



ISLINGTON



For a more equal future

CONSTITUTION

April 2024

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PART 1

SUMMARY

AND

EXPLANATION

PART 1 - SUMMARY AND EXPLANATION

1. The Council's Constitution

The London Borough of Islington has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The law requires some of these processes, while others are a matter for the Council to choose.

The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business.

2. What is in the Constitution

Article 1 of the Constitution commits the Council to clear, transparent and accountable decision-making, which is inclusive and provides opportunities for community involvement whilst ensuring effective and efficient use of resources. Article 2 explains the role of members and Article 3 explains the rights of residents in relation to the Constitution. Articles 4–15 explain how the key parts of the Council operate. More detailed procedures and codes of practice are contained in separate rules and protocols at the end of the document.

3. How the Council operates

The Council is composed of 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Monitoring Officer is responsible for overseeing training and advising members on the code of conduct and for receiving complaints that a councillor has breached the code. The Monitoring Officer deals with less serious complaints and refers more serious ones to the Standards Committee, consulting with an Independent Person as appropriate,

All councillors meet together as the Council. Meetings of the Council are normally open to the public unless matters are discussed which must be kept confidential. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader and the Leader appoints members of the Executive.

4. How decisions are made

The Executive is the part of the Council, which is responsible for most day-to-day decisions. The Executive is made up of the Leader and a number of Executive members. All key decisions to be made by the Executive will be published in the Executive's Forward Plan in so far as they can be anticipated. Decision making meetings of the Executive will generally be open for the public to attend except where personal or exempt matters are being discussed. The Executive has to make decisions which are in line with the Council's

overall policies and budget. If it wishes to make a decision which is not in line with the budget or policy framework, this must be referred to the Council as a whole to decide.

5. Overview and Scrutiny

The Policy and Performance Scrutiny committee has three roles. Firstly, to support the work of the Executive and the Council as a whole by considering and making recommendations on policy. Secondly, it is the main body responsible for scrutinising decisions made by the Executive and for holding it to account. It has the power to consider decisions made by the Executive but not yet implemented and can ask the Executive to reconsider those decisions or, if it considers that a decision may be contrary to the Policy Framework and/or contrary to or not wholly in accordance with the Budget, it may refer the matter on to full Council.

In addition, there will be four other scrutiny committees, each responsible for reviewing and making proposals on the following areas of the Council's work:

- Environment and Regeneration;
- Housing;
- Children's Services;
- Health and Care.

6. Other committees

There are also the following committees dealing with the matters shown:

Audit and Risk	audit, governance, risk and accounts;
Licensing	all licensing matters under the Licensing Act 2003, Gambling Act 2005 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended;
Licensing Regulatory	all other licensing functions;
Standards	matters relating to the code of member conduct;
Planning	planning matters;
Voluntary and Community Sector Committee	a committee of the Executive which allocates support to the voluntary and community sector;
Health and Wellbeing Board	a committee responsible for promoting an integrated approach by health and social services for advancing the health and wellbeing of local residents;
Employment and Appointments	the recruitment and appointment of Corporate Directors and Service Directors and to make recommendations to Council on the appointment of the Head of Paid Service (Chief Executive);
Pensions	all of the powers and duties of the Council in relation to its functions as Administering Authority of the London Borough of Islington Pension Fund.

7. The Council's staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

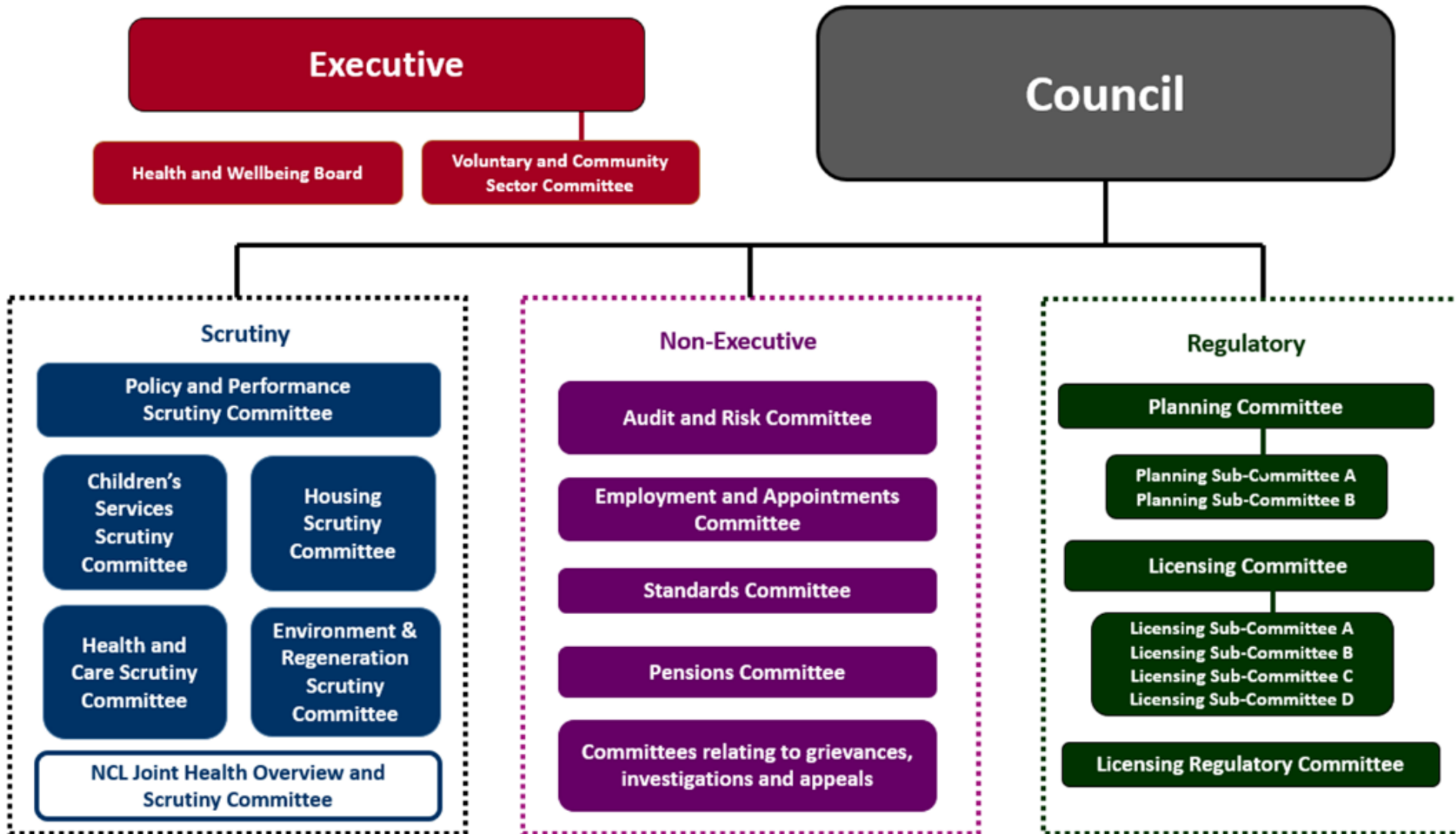
8. Involving the public

Islington residents* have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

The Council welcomes participation by residents in its work. People's rights to access to meetings and papers are set out in the Access to Information Procedure Rules contained in Part 4.

*For the purposes of this constitution, the term residents includes (where appropriate) those people who study, work or have businesses in the borough or who receive services for which the Council is responsible.

Decision Making Structure Chart



PART 2

ARTICLES

ARTICLES

- Article 1** - The Constitution
- Article 2** - Members of the Council
- Article 3** - Residents and the Council
- Article 4** - The Council
- Article 5** - The Mayor
- Article 6** - Policy and Performance Scrutiny
- Article 7** - The Executive
- Article 8** - Non Executive Functions
- Article 9** - The Standards Committee
- Article 10** - Ward Partnerships
- Article 11** - Joint Arrangements
- Article 12** - Officers
- Article 13** - Decision Making
- Article 14** - Finance, Contracts and Legal Matters
- Article 15** - Review, Amendment, Suspension and Publication of the Constitution

Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution and all its appendices, is the Constitution of the London Borough of Islington.

1.03 Purpose of the Constitution

The Constitution is based on the following principles

Principle	What it means
Enhancing service performance	Making sure that decision-making leads to improvements in the quality of services to local people
Accountability	Ensuring mechanisms for those responsible for decisions to be held to account for them
Transparency	Having streamlined and simplified clear decision-making and accountabilities
Community representation	Enabling councillors to represent local communities effectively
Increasing community involvement and engagement	Including and involving the public in the decisions that affect their lives and enabling the development of effective partnership working with other public, private, community and voluntary bodies
Corporate working	Encouraging a partnership approach between the Executive and scrutiny, officers and members and better corporate working on cross cutting issues

1.04 Interpretation and review of the Constitution

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

1.05 Amendment of the Constitution

Subject to Article 15.04, the Constitution may only be amended by the Council.

Article 2 – Members of the Council

2.01 Composition and eligibility

- (a) **Composition** The Council comprises 51 members (known as councillors). Every councillor will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State. Details of the councillors, including their Register of Interest and appointments to Committees and Outside bodies are available on the [Democracy Website](#).
- (b) **Eligibility** People can hold office as councillors if they are on the electoral register or if they have lived, worked or occupied property in the borough for 12 months prior to their election. There are legal rules preventing certain people from becoming councillors (for instance if they are employees of the Council or have been adjudged bankrupt).
- (c) **Maternity, Paternity and Sickness** 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. Further detail of the Member Maternity, Paternity and Sickness Policy is set out in the Members' Allowance Scheme, Part 7 of the Constitution.

2.02 Election and terms of office of councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2002. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all councillors

(a) Key roles

All councillors will maintain the highest standards of conduct and ethics, in accordance with the general principles of conduct contained in legislation, the rules about disclosure of interests laid down by the Secretary of State and the Council's Code of Conduct for Councillors. They will have the opportunity to perform the following roles:

- (i) Be responsible for the good governance of the local authority;
- (ii) Develop council policy;
- (iii) Collectively be the ultimate decision-makers in respect of overall council strategies and revenue and capital budgets;
- (iv) Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

- (v) Represent constituents' interests (both individuals and local groups) and bring their views into the Council's decision-making process;
- (vi) Scrutinise proposals and decisions and monitor how council policy is being implemented;
- (vii) To represent the community and work for the good of the borough with local, regional and national organisations;
- (viii) Be available to represent the Council on other bodies.

(b) Rights and duties

- (i) Councillors will have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it except with the consent of the person providing the information or as required by law.
- (iii) For these purposes, "confidential" and "exempt" information is defined in the Access to Information Rules contained in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe Islington's Code of Conduct for Members set out in Part 6 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 7 of this Constitution.

Article 3 – Residents and the Council

3.01 Residents' rights

Residents have the following rights. Their rights to information and to participate in meetings are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

(a) **Voting**

Residents on the electoral roll for the area have the right to vote.

(b) **Information**

Residents have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
- (ii) attend meetings of the Executive at which formal decisions are being made except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
- (iii) find out from the Forward Plan what decisions will be taken by the Executive or a committee of the Executive and when and what key decisions will be taken by officers and when;
- (iv) see reports and background papers and any records of decisions made by the Council and the Executive except where confidential or exempt information is likely to be disclosed; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation**

The Council is committed to helping people contribute to making decisions about local services and will therefore support a wide range of consultation fora to hear residents' views. The Council also wants to develop new and innovative ways of working with local people and communities, particularly hard to reach groups such as young people and minority ethnic communities. In particular, individual residents have the following rights:

- (i) to ask questions relating to decisions being made by the Executive at its public meetings;
- (ii) to be asked to contribute to the work of the Policy and Performance Scrutiny Committee and its review committees;

- (iii) to attend as part of a deputation to the Executive in accordance with the Access to Information Procedure Rules contained in Part 4 of this Constitution;
- (iv) to participate in any public session at full Council meetings, in accordance with the Access to Information Procedure Rules and Council Procedure Rules contained in Part 4 of this Constitution;
- (v) to attend any public ward partnership sessions.

(d) Making representations and complaints

Residents have the right to:

- (i) make representations to their ward councillors and/or to members of the Executive;
- (ii) make a formal complaint about any council service under the Council's complaints scheme;
- (iii) complain to the Ombudsman having exhausted the Council's complaints scheme;
- (iv) complain to the council's Monitoring Officer about a breach of the Councillors' Code of Conduct.

(e) Petitions

People on the electoral roll for the Council's area can sign a petition to request a referendum for an elected mayor form of Constitution.

As well as Residents, those who work or study in Islington may also present petitions on other matters under the Council's procedural rules.

3.02 Residents' responsibilities

There are a number of ways that Islington residents can contribute to a flourishing democratic local authority which this Constitution is intended to support:

- (i) assisting the Council with the compilation of the electoral register by responding to the annual canvass conducted in the autumn every year;
- (ii) exercising their right to vote in local, regional, and national elections;
- (iii) respecting and valuing the diversity of communities and their views within a densely populated urban area such as Islington;
- (iv) meeting their obligations in relation to the Council, such as paying their council tax, ensuring their child attends school, etc.

Article 4 – The Council

4.01 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:

- Crime and Disorder Reduction Partnership Strategy (M)
- Development Plan Documents (M)
- Council's Corporate Plan
- Licensing and Gambling Policies (M)
- A plan or strategy for the control of the authority's borrowing investments or capital expenditure (M)

Such other plans as are from time to time agreed by the Council or required by statute to form the policy framework and which are then added to this list. Those marked mandatory (M) in the list are required by legislation to be included as part of the policy framework.

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) Housing Land Transfer

Housing land transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or for consent to such a disposal where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the full Council

There are certain functions that by law, or under this Constitution, can only be exercised by the Council itself. A list of the functions which can only be exercised by the Council is set out at Table 1 in Part 3 of this Constitution and includes:

- (a) Approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (b) Electing the Leader of the Council;
- (c) Agreeing and/or amending the terms of reference for committees (other than committees or sub-committees of the Executive) deciding on their composition and making appointments to them;

- (d) Appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- (e) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (f) All other functions which the Council lawfully decides should be undertaken by itself rather than the Executive and which are set out in Part 3 of this Constitution.

4.03 Council meetings

Council meetings will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution. Council meetings will be chaired by the Mayor (or deputy where appropriate).

4.04 Responsibility and delegation of functions

Part 3 of this Constitution sets out the specific responsibilities of committees, external bodies and officers and includes executive or non-executive functions. The terms of reference of bodies referred to in this Constitution are set out in Part 5 of this Constitution.

Article 5 –The Mayor

5.01 The Council will elect the Mayor annually. The Mayor and in their absence the Deputy Mayor will have the following responsibilities:

- (a) To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
- (b) To preside over meetings of the Council (in the case of the Deputy Mayor only if chosen by the meeting) so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (c) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive to account;
- (d) To promote public involvement in the Council's activities;
- (e) To be the conscience of the Council;
- (f) To attend such civic and ceremonial functions as the Council and the Mayor determine are appropriate; and
- (g) To take decisions (in the absence of the Chair of the Policy and Performance Scrutiny Committee) about whether a matter is so urgent as to allow the Executive to take a decision in respect of it even though:
 - (i) it is not contained in the Forward Plan and 5 clear days notice of the decision have not been given; or
 - (ii) that decision concerns a plan or strategy forming part of the budget or policy framework and would be contrary to or in the case of the budget, not wholly in accordance with that framework.

Article 6 – Overview and Scrutiny

6.01 Policy and Performance Scrutiny Committee

The Council will appoint a Policy and Performance Scrutiny Committee and at least three Review Committees to discharge the functions conferred by section 21 of the Local Government Act 2000.

6.02 General role of the Policy and Performance Scrutiny Committee

Within its terms of reference and in accordance with the Scrutiny Procedure Rules contained in Part 4 of this Constitution, the Policy and Performance Scrutiny Committee will:

- (a) Co-ordinate the work of the Scrutiny Committees, drawing up an annual work programme and agreeing work programmes with them, following consultation with the chairs of those committees;
- (b) Receive requests from the Executive or the Leader of the Executive for scrutiny involvement in policy development and review and key decisions before they are made.
- (c) Review decisions the Executive has taken but which have not yet been implemented and which have been referred to it (call-in);
- (d) Produce an annual report for Council on the operation of overview in Islington;
- (e) Ensure scrutiny of the policy framework and budget;
- (f) Monitor the Executive's forward plan;
- (g) Commission research, community and other consultation in the analysis of policy issues;
- (h) Question members of the Executive and officers and, where appropriate, external partners;
- (i) Respond to matters raised as Councillor Calls for Action.

6.03 Scrutiny Committees

There will be four Scrutiny Committees covering the following functions of the Council:

Environment and Regeneration;
Housing;
Children's Services
Health and Care.

Officers

Within the Democratic Services Section, the Head of Democratic Services and Governance is designated the Scrutiny Officer with the role of providing support and guidance on the work of the Overview and Scrutiny Committees and to the members of those committees and promoting the role of the Policy and Performance Scrutiny Committee and the Scrutiny Committees. In addition, departments will appoint lead officers to assist the Policy and Performance Scrutiny Committee and Scrutiny Committees in specific aspects of their work programmes.

6.04 Proceedings of the Policy and Performance Scrutiny Committee and scrutiny committees

The Policy and Performance Scrutiny Committee and Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 7 – The Executive

7.01 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

The Executive will consist of the Leader together with, such other number of councillors (being not fewer than 2 or more than 9) as the Leader may determine. Details of the members of the Executive and their portfolios are available on the [Democracy Website](#).

7.03 Leader

The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office until:

- (a) They resign from the office; or
- (b) Are suspended from being a councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) They are/no longer a councillor; or
- (d) They are removed from office in the manner described in 7.07 below; or
- (e) The commencement of the annual meeting of the Council following the next ordinary Council elections after their election.

7.04 The Deputy Leader

- (a) The Leader shall appoint a Deputy Leader.
- (b) The Deputy Leader, unless they are removed by the Leader, resign as Deputy Leader or cease to be a councillor, shall hold office until the end of the term of office of the Leader in accordance with 7.03.
- (c) The Deputy Leader shall act in the place of the Leader if for any reason the Leader is unable to act or if the office of Leader is vacant.
- (d) In the event that the post of Deputy Leader becomes vacant, the Leader shall appoint a new Deputy Leader.

7.05 Other Executive members

Other Executive members shall be appointed by the Leader and shall hold office until:

- (a) They resign from office; or
- (b) They are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) They are no longer councillors; or
- (d) They are removed from office by the Leader; or
- (e) Until the annual meeting following their appointment to the position of Executive member.

7.06 Notification of appointment and removal of Members of the Executive

If the Leader appoints or removes a member of the Executive, the Leader shall either:

- (a) report the appointment or removal to the Council; or
- (b) notify the Proper Officer of the appointment or removal.

And no appointment shall be effective until either (a) or (b) has been complied with. The Proper Officer shall as soon as practicable report any appointment or removal notified to them to the Council.

7.07 Votes of no confidence

The Leader shall cease to hold office as the Leader if a vote of no confidence, of which notice appears on the agenda, is carried at a meeting of the full Council attended by at least 75% (38) of the members of the Council in accordance with procedure Rule 20.2.

7.08 Vacancies in the Executive

- (a) If at any time the office of Leader shall be vacant 7.04 (c) shall apply until such time as the Council shall appoint a new Leader. If the office of Deputy Leader is also vacant all responsibilities of the Executive shall be carried out by the Executive collectively until such time as a Leader shall be appointed by the Council.
- (b) If at any time an Executive member other than the Leader or Deputy Leader shall, by virtue of Article 7.05 above, cease to be a member of the Executive, the responsibilities of that member shall be carried out by the Executive collectively until such time as the Leader shall have appointed a replacement or, where appropriate, re-appointed the member concerned.
- (c) In the event of there being no Leader appointed and insufficient members of the Executive appointed to achieve a quorum, in so far as lawful, all Executive functions shall in the interim be carried out by the Chief Executive.
- (d) The responsibilities and powers of the Deputy Leader may not be carried out by any other member of the Executive in their absence or if the post is vacant.

7.09 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.10 Responsibility and delegation of functions

- (a) The functions of the Executive may be exercised by the Leader or the Leader may delegate functions to the Executive as a whole, a committee or sub-committee of the Executive, an individual Executive member, or officers or to another authority or to a joint committee.
- (b) The Proper Officer will maintain a list in Part 3 of this Constitution setting out which individuals or bodies are responsible for the exercise of particular Executive functions.
- (c) The Executive may delegate functions for which it is responsible to a committee of the Executive or to an officer.
- (d) The Executive has established a Voluntary and Community Sector Committee 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 and consider the management, use and disposal of council owned buildings occupied by voluntary and community sector organisations.

Article 8 –Non-Executive Functions

8.01 Audit and Risk Committee

There will be an Audit and Risk Committee which will have responsibility for audit and governance matters (other than those which are the responsibility of the Standards Committee) and for all other functions of the Council (other than those relating to licensing and planning matters) and which are not the responsibility of the Executive as a matter of law or under this constitution other than those which are reserved to the Council itself. The detailed terms of reference for the Committee are in Part 5 of this Constitution.

8.02 Employment and Appointments Committee

An Employment and Appointments Committee whose functions shall include the terms and conditions of employment of staff; the appointment of the Chief Executive (subject to confirmation by Council), Corporate Directors and Directors, in each case unless direct assimilation without competition applies under the applicable organisational change procedures; and related matters, and the making of recommendations to Council on the appointment of the Independent Person under the Localism Act 2011.

8.03 Pensions Committee

A Pensions Committee whose functions shall include all matters relating to the Local Government Pension Fund.

8.04 Licensing Committee

There will be a Licensing Committee which will exercise the following:

- all licensing functions under the Licensing Act 2003; except for the approval of the statement of licensing policy and the decision to make Early Morning Alcohol Restriction Orders;
- all licensing functions under the Gambling Act 2005, except for the approval of the statement of licensing policy and the decision whether to allow casinos;
- all licensing functions under the schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended including setting of fees for licence applications and sex establishment policy.

8.05 Composition of Licensing Committee

The Licensing Committee shall comprise of no more than fifteen members of the Council, with a quorum of four.

8.06 Licensing Sub-Committees

The Licensing Committee will appoint a number of sub-committees to determine applications in respect of the Licensing Act 2003, schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended and under the Gambling Act 2005.

8.07 Composition and quorum of Licensing Sub-Committees

- (a) The sub-committees shall comprise three members of the Council, with a quorum of three.
- (b) Substitutes may attend meetings where one of the members of the sub-committee is unable to attend or is disqualified from hearing an application by virtue of a pecuniary or personal interest. Where a substitute is required, they will be from the balance of the members of the Licensing Committee belonging to party group of the absent member. Where no members from the same party group are available, those places shall be filled by any other Licensing Committee member.
- (c) Chair and Vice-Chair
Each sub-committee shall appoint its own Chair and Vice-Chair. Where both of these are absent or are disqualified from hearing an application by virtue of a pecuniary or personal interest, then the sub-committee shall elect one of its members to be Chair for that meeting or that part of the meeting.

8.08 Licensing Regulatory Committee

There will be a Licensing Regulatory Committee with a quorum of 3 which shall have responsibility for all licensing matters under the relevant legislation other than licensing functions arising out of the Licensing Act 2003, schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended and the Gambling Act 2005. These shall include:

- (a) The determination of applications for street trading and special treatment licences where there are unresolved objections to those applications;
- (b) The designation of streets as licensed streets;
- (c) The revocation of licences (except on the ground of non payment of fees);
- (d) The setting and review of policy in relation to the matters coming within the remit of the committee;
- (e) The setting of fees and charges for licences within the remit of the committee.

8.09 Planning Committee

There will be a Planning Committee which shall have responsibility for planning matters under the relevant legislation. The Planning Committee will appoint 2 Planning Sub-Committees.

8.10 Health and Wellbeing Board

There will be a Health and Wellbeing Board (HWBB) which will discharge the council's obligations pursuant to the Health and Social Care Act 2012 for its area to promote an integrated approach by health and social services for advancing the health and wellbeing of local residents. The HWBB must seek to secure the best possible health outcomes for all local people and reducing health inequalities, based upon the joint strategic needs assessment and joint health and wellbeing strategy.

8.10 Proceedings

Proceedings of these committees and sub-committees shall take place in accordance with the Committee Procedure Rules in Part 4.

Article 9 - The Standards Committee

9.01 Standards Committee

The Council will establish a Standards Committee.

9.02 Composition

The Standards Committee shall comprise four members.

(Independent Persons have been appointed by the council under the Localism Act 2011. Although not members of the Committee the Independent Persons are invited to attend meetings of the committee as observers.)

9.03 Role and function

The terms of reference of the Standards Committee are set out in Part 5 of this Constitution. In summary the Standards Committee will have the following roles and functions:

- (a) advising the Council on the adoption or revision of the Islington Members' Code of Conduct;
- (b) considering whether complaints of breach of the code should be investigated and hearing complaints which have been investigated;
- (c) agreeing procedures for investigation of complaints.

Article 10 – Ward Partnerships

- 10.1 The Council is committed to strengthening the role of ward councillors in influencing decisions and services within their wards.
- 10.2 The Council has set up 15 Ward Partnerships, one for each ward, other than Bunhill and Clerkenwell which have a joint partnership.
- 10.3 The core membership of each Ward Partnership is the 3 ward councillors. Ward Partnerships may choose to involve other agencies providing services in the area of the Ward Partnership in their activities. Each Ward Partnership has an allocated Link Officer who will facilitate meetings of the Ward Partnership and communication between the Ward Partnership and council departments.
- 10.4 The Ward Partnerships do not have power to take decisions on behalf of the Council as they are not formal bodies. Their purpose is to provide an opportunity for councillors collectively to discuss and influence Islington Council services, decisions and practices, as they affect the area covered by the Ward Partnership.
- 10.5 The Ward Partnerships have the following specific roles. To:
 - (a) Identify issues of concern within their ward(s), make suggestions (seeking further information if necessary) about actions to address these issues and monitoring the implementation of any actions agreed by the relevant body;
 - (b) Make recommendations to the Voluntary and Community Sector Committee about the allocation of the Local Initiatives Fund;
 - (c) Review the Ward Improvement Plans at least annually and input into the development of the Community Infrastructure Levy plan.
- 10.6 The Ward Partnerships may expand their remit beyond purely council matters to encompass consideration of wider priorities for the area, better co-ordination of services and engagement with partners, residents and other forums.
- 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.
- 10.8 The frequency and location of meetings is determined by the Ward Partnership itself but the Council will publish a schedule of meetings which are being held in public. Meetings will not be held at the same time as council meetings are scheduled to take place.
- 10.9 At least once a year there will be a meeting of the Ward Partnership in public to give local people and service providers an opportunity to come together to discuss local issues.

Article 11 – Joint Arrangements

11.01 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authority and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee or board with these other local authorities. The Council may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations. These other arrangements are called “boards” in this Constitution.
- (b) The Executive may establish joint arrangements with one or more local authorities or other organisations to exercise functions which are Executive functions or to advise the Executive. Such arrangements may involve the appointment of joint committees or boards with these other local authorities or bodies. The Executive may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations.
- (c) Except as set out in paragraph (d) and (e) below, the Executive may only appoint Executive members to a joint committee or board under paragraph (b) above and those members need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint members to a joint committee from outside the Executive if the joint committee has functions for only part of the area of the authority and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint committee any councillor who is a member of a ward which is wholly or partly contained within the area. The Executive may appoint non-executive councillors to a joint committee in other circumstances permitted by legislation.
- (e) The Executive may appoint non-executive members to joint boards established under the NHS and Local Authorities Bodies Partnership Arrangements Regulations 2001 and to other Boards which are not joint committees..
- (f) Where both executive and non-executive functions are delegated to a joint committee, appointments to the joint committee will be made by the Council.
- (g) Details of any joint arrangements including any delegations to joint committees or boards are set out in Part 3 of this Constitution.

11.02 Access to information

- (a) If all the members of a joint committee or board are members of the Executive in each of the participating authorities, then the access to information rules relating to the Executive as set out in Part 4 of this Constitution will apply.
- (b) If the joint committee or board contains members who are not on the Executive of any participating authority, then the access to information rules as set out in Part 4 of this Constitution and Part VA of the Local Government Act 1972 will apply.

11.03 Delegation to and from other local authorities

- (a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Executive may delegate Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

11.04 Delegation to and from other organisations

- (a) The Council may delegate non-Executive functions to other organisations or boards where legislation allows.
- (b) The Executive may delegate Executive functions to other organisations or boards where legislation allows.
- (c) The decision whether or not to accept such a delegation from another organisation or board shall be reserved to the Council.

Article 12 – Officers

“Officers” means all employees and staff engaged by the Council to carry out its functions. This covers those engaged under short term, agency or other non-employed situations as well as those employed on a permanent basis.

12.01 Management structure

(a) General

The Council may engage such officers as it considers necessary to carry out its functions.

(b) Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

- Chief Executive;
- Corporate Director of Homes and Neighbourhoods;
- Corporate Director of Environment and Climate Change;
- Corporate Director of Resources;
- Corporate Director of Children’s Services;
- Corporate Director – Community Wealth Building;
- Corporate Director – Community Engagement and Wellbeing;
- Director of Public Health;
- Director of Adult Social Care.

Where it has been agreed to vary these roles, the Proper Officer shall be authorised to make the necessary consequential amendments to this article.

If there is no Chief Executive in post, references to the Chief Executive in this Constitution are to be taken as references to the Head of Paid Service.

(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 – Corporate Director of Resources
- Monitoring Officer – Director of Law and Governance

(d) Structure

The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 8 of this Constitution.

12.02 Functions of the Chief Executive/Head of Paid Service

(a) Discharge of functions by the Council

The Chief Executive may report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers. The Chief Executive may also report direct to Council on other matters which they consider should be brought to its attention.

(b) **Restrictions on functions**

The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

(c) **Role in relation to Local Government Elections**

To act as the Returning Officer for local government elections.

(d) **Role in relation to politically restricted posts**

To grant exemptions under section 3 of the Local Government and Housing Act 1989 from political restriction to holders of posts under the Council and to give directions as to inclusion of specified posts in the list maintained by the Council under section 2(2) of that Act.

(e) **Role in relation to emergency procedures in an election year**

The Chief Executive may, during the period between the election and the Annual Meeting of the Council, in consultation with the Mayor, appoint the number of members necessary to make the membership of the Licensing Committee up to 10.

12.03 Functions of the Monitoring Officer

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision-making**

After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards and Audit Committees**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards and Audit Committees.

(d) **Conducting investigations**

The Monitoring Officer will consider and conduct investigations into complaints alleging breaches of the Members' Code of Conduct in accordance with the council's procedures for dealing with such allegations.

(f) **Proper Officer**

References to the Proper Officer in this Constitution are references to the Monitoring Officer unless there is an express reference to any other officer. The Monitoring Officer is responsible for ensuring that the provisions of the Constitution are complied with is the responsibility of the Monitoring Officer.

(g) **Advising whether Executive decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

(h) **Providing advice**

The Monitoring Officer will be responsible for providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework to all councillors.

(i) **Freedom of Information**

The Monitoring Officer is the 'qualified person' for the purposes of determining whether disclosure of particular information under the Freedom of Information Act 2000 would be likely to prejudice the effective conduct of public affairs.

(j) **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

12.04 Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision-making**

After consulting with the Chief Executive, the Corporate Director of Resources and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an Executive function and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council as required by Section 151 of the Local Government Act 1972 and Section 111 of the Local Government Finance Act 1988, including the provision of financial information both internally and externally as required.

(c) **Advising whether Executive decisions are within the budget and policy framework**

The Chief Finance Officer will advise whether decisions of the Executive are in accordance with the budget framework.

(d) **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Deputy Arrangements**

The Chief Finance Officer may appoint a deputy to carry out their functions in their absence. The Director of Finance is appointed as the Deputy Chief Finance Officer.

12.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Other statutory officers

- (a) The Council must appoint a Director of Children's Services and a Director of Adult Social Services, a Director of Public Health and a Scrutiny Officer.
- (b) The Corporate Director of Children's Services shall be appointed for the purposes of Section 18 of the Children Act 2004. The authority is required to provide adequate staff to assist the Corporate Director in the exercise of those functions.
- (c) The Director of Adult Social Care shall be appointed for the purposes of Section 6 of the Local Authority Social Services Act 1970. The authority is required to provide adequate staff to assist the Director in the exercise of those functions.
- (d) The Director of Public Health shall be appointed for the purposes of s73A of the National Health Service Act 2006, including the responsibility to write an annual report on the health of the local population
- (e) The Head of Democratic Services and Governance shall be appointed for the purposes of section 31 of the Local Democracy, Economic Development and Construction Act 2009 as the Council's Scrutiny Officer.

12.07 Delegation to Officers

Powers are delegated to Chief Officers in Part 3 – Responsibility for Functions, paragraph 8.

12.08 Conduct

Officers will comply with the Member/officer relations protocol set out in Part 6 of this Constitution.

12.09 Appointment and dismissal of staff

The appointment and dismissal of staff shall be governed by the provisions of the Officer Employment Procedure Rules contained in Part 4 of this Constitution as supplemented, where appropriate, by the Council's personnel policies and procedures.

Article 13 – Decision Making

13.01 Responsibility for decision making

The Proper Officer will issue and keep up to date a record of which part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of decision making

All decisions of the Council will be made in accordance with the requirements of the Code of Conduct for Members and in light of the principles contained in Article 1.

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 be financially significant, and/or

(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.

A decision is deemed to be financially significant if:

- it involves expenditure, income, or the making of savings of an amount in excess of £1m for capital monies or £500,000 for revenue monies; 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.

(ii) Key decisions may be taken by the Executive, a Sub-Committee of the Executive and the Chief Officers listed in paragraph 8.1 in Part 3 of the Constitution. A notice giving a description of the decision must usually be published at least 28 days in advance. A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules and the Access to Information Rules set out in Part 4.

(c) **Recordable Decisions**

This definition only applies to non-Key Decisions.

If the decision meets the criteria for a Key Decision, in paragraph (b) above, the Key Decision procedures must be followed.

A Recordable Decision is any non-Key decision made by an officer, regardless of how they are authorised to make it, which:

- i. Grants a licence or a permission;
- ii. Affects the rights of an individual;
- iii. Is likely to result in the local authority incurring expenditure of an amount in excess of £250,000 for revenue expenditure or £500,000 for capital expenditure, including by award of a contract;
- iv. Would have a significant impact on communities in a single ward;
- v. Would result in the setting up of a company or entering into a partnership arrangement with any other body;
- vi. Relates to major individual service reorganisation decisions likely to involve 20 or more redundancies;
- vii. Waives the procurement rules in respect of contracts between the value of £100,000 to £500,000 revenue spend and £100,000 to £1M capital spend.

A decision which relates to the placement of an individual, be that an adult or child, is not a recordable decision.

13.04 Decision making

Subject to Article 15.02, the Council, the Executive (including sub groups and individual members of the Executive), the Policy and Performance Scrutiny Committee and review committees and other committees and sub-committees established by the Council will follow the Rules relating to that body set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) civil rights and obligations of any person will follow a proper procedure which accords in so far as is possible with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 14 - Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 6 of this Constitution and any guidance issued by the Chief Finance Officer.

14.02 Contracts

Every contract made by the Council will comply with the Procurement Rules set out in Part 6 of this Constitution.

14.03 Legal proceedings

The Director of Law and Governance (and other officers authorised by them in accordance with Appendix 3.4) is authorised to institute, defend, participate in, conduct or settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Law and Governance and/or the Chief Executive considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Law and Governance or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Law and Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be added to those documents which in the opinion of the Director of Law and Governance should be sealed or are required by the provisions of the Procurement Rules to be sealed. The adding of the Common Seal will be witnessed by the Chief Executive or Director of Law and Governance or some other person authorised by them.

Article 15 - Review, amendment, suspension and publication of the Constitution

15.01 Duty to monitor and review the Constitution

- (a) The Monitoring Officer will have responsibility for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Subject to (d) and (e) and Article 15.04 below, changes to the Constitution will only be effective if approved by the full Council.

- (b) Change from a Leader and Executive form of Executive to alternative arrangements, or vice versa.

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and shall comply with any statutory requirements in relation to such changes.

- (c) Protocols

The protocols and other documents in Part 6 of the Constitution may be amended by the body that created them without Council approval except for the Code of Conduct for Members which is reserved to Council.

- (d) The Leader may make changes to this Constitution where necessary to give effect to arrangements made by them. The Leader shall as soon as practicable either:

- (i) report the change to the Council; or
- (ii) notify the Proper Officer of the change

and no change shall be effective until either (a) or (b) has been complied with. The Proper Officer shall as soon as practicable report any change notified to them to the Council.

15.02 Suspension of the Constitution

The Articles of this Constitution may not be suspended; other parts of the Constitution may be suspended by the Council on notice where it would be lawful to do so. Procedural rules governing the conduct of meetings may be suspended without notice in accordance with the provisions of the procedural rules concerned. In such cases, suspension shall only be for the duration of the meeting.

15.03 Publication

- (a) The Proper Officer will offer a printed copy of this Constitution to each member of the authority upon delivery to them of that individual's declaration of acceptance of office on the member first being elected to the Council.

- (b) The Proper Officer will ensure that copies are available for inspection at the Town Hall and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Proper Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.
- (d) The Proper Officer shall ensure that a record is kept of any changes to this Constitution which shall be re-issued in up to date form as soon as practicable after any substantial changes have been made to it.
- (e) The Proper Officer shall ensure that an up-to-date version of the Constitution is available on the Council's website.

15.04 Minor and consequential amendments

The Proper Officer shall be authorised to make any minor or consequential amendments necessary and amendments required by legislation, from time to time.

PART 3

RESPONSIBILITY

FOR

FUNCTIONS

PART 3 - RESPONSIBILITY FOR FUNCTIONS

1. General

1.1 The Authority's functions may lawfully be exercised by:

- Council;
- The Leader;
- The Executive;
- Other individual members of the Executive;
- Individual Ward Members (although for the time being individual members will not be exercising functions);
- Committees and sub committees of the Council or the Executive;
- Joint committees;
- Officers;
- Other persons properly authorised under specific legislation.

1.2 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) specify which functions are not to be the responsibility of the Executive, which functions may (but need not) be the responsibility of the Executive and which functions are to some extent the responsibility of the Executive.

1.3 This Part of the Constitution and Appendices 1 and 2 set out whether the various functions of the council are executive or non-executive and whether, in either case, they have been delegated to a committee, sub-committee, joint committees, officer or other person or body. The table at Part 3 paragraph 7.1 sets out the powers which are reserved to the Council itself. The table at Appendix 2(i) sets out the other functions which the legislation does not permit the Executive to be responsible for. The table at Appendix 2(ii) sets out the functions in respect of which the Council has power to determine whether they are executive or non executive, indicating to whom the functions concerned have been allocated.

2. EXECUTIVE FUNCTIONS

- 2.1 All functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution (see Appendix 2), are the responsibility of the Executive.
- 2.2 The Leader may exercise those functions or may delegate those functions to the Executive, a Committee of the Executive or a joint committee, another local authority, an individual member of the Executive or officers. The exercise of executive functions may be further delegated where the law permits in accordance with Part 4 paragraph 55.4.
- 2.3 The allocation of executive functions shall be included in the terms of reference set out in Part 5 and the delegations to officers in Part 3 section 8.
- 2.4 If the Leader makes any changes to the allocation of functions and delegations they shall as soon as practicable either:
- (i) report the change to the Council or:
 - (ii) notify the Proper Officer of the change

And no change shall be effective until either (i) or (ii) has been complied with. The Proper Officer shall as soon as practicable report any change notified to them to the Council.

- 2.5 Save as set out in 2.6 below, the Leader shall not exercise personally on a particular occasion any power they have delegated to another person or body until they have notified the Proper Officer that they intend to do so.
- 2.6 The Leader has notified the Proper Officer that they may make decisions on behalf of the council as the sole shareholder in Islington Company (iCo) in respect matters which are reserved in the Articles of iCo to the council's Executive where the decision is administrative or minor or in their view is urgent.

3. EXECUTIVE PORTFOLIOS

- 3.1 Members of the Executive have responsibility for setting the direction and being accountable for the operation of the services comprised within their respective portfolios and for bringing forward proposals to the Executive in respect of them. However, subject to the following paragraphs, no individual Executive Member will be entitled to take an Executive decision. Such decisions will be taken either by the Executive as a whole or a sub-committee of it or by officers in accordance with the provisions set out below. Portfolio responsibilities are determined by the Leader.

4. MATTERS RESERVED FOR EXECUTIVE DECISION

The following functions shall only be exercised by the Executive, or a sub-committee appointed by it.

4.1 GENERAL

- (a) To formulate the Council's overall policy objectives and priorities, recommending them to Council for approval where appropriate.
- (b) To determine the authority's strategy and programme in relation to the policy and budget framework set by the Council.
- (c) To determine the authority's strategy and programme in relation to the social, environmental and economic needs of the area.
- (d) To have responsibility for agreeing the Corporate Plan and recommending it to Council and for setting equality objectives for publication in accordance with the Equality Act 2010 (Specific Duties) Regulations 2011.
- (e) To oversee the Council's functions in relation to community engagement, including communications; consultation; capacity building and active citizenship; and their co-ordination and implementation with particular reference to the provisions of relevant legislation.
- (f) To oversee the Council's functions in relation to regeneration and social inclusion, including the formulation of Council strategies and their co-ordination and implementation with particular reference to the provisions of relevant legislation.
- (g) To consider and promote strategic and Council-wide initiatives to improve the quality, efficiency and effectiveness of the Council's services to the public.
- (h) To agree the Council's policies on equalities matters and recommend them to Council where appropriate.
- (i) To monitor the implementation and co-ordination of the policies, procedures and good practice within the Council to prevent and counter harassment or discrimination.
- (j) To calculate and recommend to the Council the annual budget for income and expenditure, including the overall Capital Investment Strategy, the Treasury Policy statement, the Housing Revenue Account Estimates, the allocation of budgets to departments, and matters related to the setting of council tax.
- (k) To calculate and determine fees and charges (other than in year changes to Cemeteries fees and charges)
- (l) Monitoring of the budget and recovery of debt.
- (m) To oversee and take responsibility for effective joint work with partner agencies including functions relating to the Local Area Agreement which are not reserved to the Council.
- (n) To have responsibility for the Council's role as corporate parent.
- (o) Agreeing any significant reduction in or cessation of any service.

- (p) To agree the procurement strategy for contracts other than those covered by Part 3 paragraphs 8.6 and 8.7 and to award such contracts.
- (q) Subject to the Financial Regulations and Part 3 paragraphs 8.7 and 8.8, all other decisions which involve expenditure or the making of savings of an amount in excess of £1,000,000 for capital expenditure or £500,000 for revenue expenditure.
- (r) To consider whether the Council should give evidence before a Royal Committee, Government Committee or similar body and agree the nature of that evidence.

4.2 CHILDREN

- (a) Approving the overall strategy in relation to the provision of services including approval of any statutory plans affecting services for Children and Young People.
- (b) Agreeing the establishment of new schools or other education establishments and the alteration or cessation of any existing schools and establishments (save for pupil referral units).
- (c) The consideration on a regular basis of performance information across all Local Education Authority services.
- (d) The submission of Schemes for the Local Management of Schools to the Secretary of State for approval if necessary.
- (e) The determination of the total schools' budget and individual school budgets.
- (f) The setting of admissions policies for community and nursery schools.
- (g) The approval of eligibility criteria for forms of assistance provided by the Local Education Authority for pupils in schools.
- (h) To receive reports on the authority's role as a corporate parent including:
 - (i) health status of looked after children;
 - (ii) education attainment of looked after children;
 - (iii) after care and longer term outcomes for looked after children;
 - (iv) quality and duration of placements;
 - (v) children who abscond or go missing from placements.
- (i) To 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.
- (j) To receive reports of any death, serious injury, abuse, allegations of abuse or any other matters of serious concern in respect of a child who is a client of the Children's Services Department in circumstances which give cause for concern in relation to the wider service. To consider reports on incidents where there has been an apparent failure to protect a client from serious harm, including Part 8 Reviews.

4.3 SUSTAINABILITY

- (a) Recommending to Council the adoption of Development Plan documents.
- (b) Agreeing the overall strategy in relation to environmental quality management policy and other plans, priorities and targets.
- (c) Considering responses to external authorities where they relate to strategic highways improvements or traffic or parking management having a major impact on transportation within the borough.
- (d) Monitoring of air and water quality in the borough, implementation of the Council's air quality strategy, the Council's recycling and waste management plans, energy conservation strategies and environmental stewardship initiatives and relevant local Agenda 21 matters.
- (e) Receiving and considering statutory reports e.g. weights and measures.
- (f) Monitoring the performance of services within the Environment and Climate Change Department (including monitoring against local and national performance indicators) and reporting issues to the Executive where appropriate.
- (g) Approving priorities and the programme of individual schemes contained within the Local Implementation Plan (Interim Transport Plan), including schemes forming part of London-wide strategic networks.
- (h) Approving the Local Development Scheme and Supplementary Planning Documents.
- (i) Agreeing for consultation and adopting site specific planning briefs or other similar documents which, in the opinion of the relevant Corporate Director, have significant or strategic implications.

4.4 FINANCE AND PROPERTY

- (a) Within the overall budgetary framework set by the Council and subject to the Council's financial regulations, to take decisions on all matters relating to the Council's finances including (but not limited to) the following:
 - (i) budgetary control;
 - (ii) allocations of both capital and revenue expenditure to and between all services;
 - (iii) significant changes to insurance arrangements;
 - (iv) the Council's borrowing and investment policy (for recommendation to Council);
 - (v) budget revisions;
 - (vi) allocation of capital and revenue contingency;

- (vii) payment of the Government's sales levy imposed under the Housing and Planning Act 2016.
- (b) Responsibility for the Council's response and action in respect of external audit reports.
- (c) Receiving the annual external audit management letter.
- (d) To approve any major restructures of service.
- (e) To authorise the settlement of any legal proceedings to which the Council is party where such settlement involves the payment of £500,000 or more.
- (f) Adopting and changing the Property Strategy.
- (g) Monitoring:
 - (i) the Council's property strategy and programme;
 - (ii) action taken by directors under delegated authority in respect of property matters;
 - (iii) work undertaken by Property Services, including the property, review programme of work, the performance of the commercial portfolio and best value performance indicators and targets.
- (h) To receive reports from all departments relating to profiled budget showing actual and accrued expenditure and to examine reasons for under/over achievement.
- (i) Reviewing the adequacy of the Council's internal control systems.
- (j) Receiving reports on serious breaches of Financial Regulations.
- (k) Decisions on acquisitions and disposals of interests in land except:
 - (i) grant of leases of up to 125 years at or below best consideration to voluntary sector and community bodies in accordance with the Property Strategy,
 - (ii) disposals of void council owned homes where the best consideration reasonably obtainable is £3 million or less;
 - (iii) disposals of other property where the best consideration reasonably obtainable is £1.5 million or less;
 - (iv) grant of leases for 20 years or less where the annual rent is the best consideration reasonably obtainable and does not exceed £250,000;
 - (v) acquisitions of interests of 20 years or less where the consideration is £1m or less;
 - (vi) disposals of interests at less than the best consideration reasonably obtainable for six months or less;

- (vii) disposals where the Executive has already agreed in principle that the land and/or building is surplus to requirements and may be disposed of.
- (viii) the acquisition of the leasehold interest in former council owned homes sold under the RTB to facilitate approved redevelopment schemes
- (ix) grant of a lease of 125 years at a peppercorn rent to an academy trust following the making of an academy order in respect of a maintained school

4.5 PERFORMANCE

- (a) To agree the Council's corporate approach and framework for best value, including the role of members.
- (b) To agree the Council's procurement policy and other strategic policies arising from best value.

4.6 HOUSING

- (a) The determination of the overall strategy in relation to the provision of services, in particular approval of all housing policy.
- (b) Approving the housing investment programme bid and approval of the housing strategy statement and other plans, priorities and targets.
- (c) Setting rents for Council dwellings held for housing purposes.

4.7 ADULT SOCIAL SERVICES

- (a) To set the strategic direction of adult social services policy.
- (b) Agreeing the joint commissioning strategies and also to agree any changes in commissioning and strategic purchasing which lead to major changes in service levels (including cessation of provision) or method of delivery.
- (c) To take any decisions to enter into arrangements with an NHS body under section 75 of the National Health Service Act 2006 or to apply for Care Trust status under the Health and Social Care Act 2001.
- (d) To develop and approve any policy under which service users are charged by the Council for services provided by it.
- (e) To consider all external reviews of Adult Social Services Performance including:
 - (i) The Annual Performance Review;
 - (ii) The Joint Assessment Review;
 - (iii) Ombudsman's Reports.

- (f) To take major strategic decisions on joint commissioning arrangements and joint management of services.
- (g) To monitor the Adult Social Services Department's Complaints System, and consider any general matters raised by individual complaints.
- (h) Those decisions in relation to adult social services functions which are the subject of partnership arrangements with Islington CCG (known as NHS Islington) pursuant to Section 75 of the National Health Service Act 2006 which the Executive determines should not be taken by the Executive Member with portfolio responsibility for Health and/or Adult Social Services.

5. MATTERS DELEGATED TO THE VOLUNTARY AND COMMUNITY SECTOR COMMITTEE

The Voluntary and Community Sector Committee may determine matters falling within those executive functions included in its terms of reference in Part 5.

6. MATTERS DELEGATED TO INDIVIDUAL EXECUTIVE MEMBERS

In relation to those social services and public health functions exercised jointly with the Islington CCG pursuant to section 75 of the National Health Service Act 2006, the Executive Member with portfolio responsibility for social services, public health and/or health shall be entitled to take decisions on an individual basis. Where those decisions are key decisions, the relevant provisions of the Access to Information Procedure Rules and Scrutiny Procedure Rules shall apply. The fact that the Executive Member is entitled to take decisions in these circumstances shall not prevent the whole Executive from choosing to take the decision itself.

7 FUNCTIONS TO BE EXERCISED BY THE COUNCIL ITSELF

7.1 LIST OF FUNCTIONS THAT MAY ONLY BE EXERCISED BY THE COUNCIL

(Items in italics and marked with an asterisk are not reserved to the Council under the law but are only exercisable by the Council under this Constitution)

1	The levying or issuing of a precept for a rate and the setting of council tax (unless delegated in accordance with s67 (3) Local Government Finance Act 1992) and limits for borrowing money.	Local Government Finance Act 1988. Local Government Finance Act 1992. Section 3 Local Government Act 2003.
2	The decision to introduce or revise a council tax reduction scheme	Section 13A(b) Local Government Finance Act 1992 Section 67(2)(aa) Local Government Finance Act 1992
3	Agreeing council tax discounts and exemptions	Sections 11A and 11B of the Local Government Finance Act 1992
4	The establishment, agreeing and/or amending the terms of reference for and abolition of Committees (other than of the Executive) and Joint Committees (with other local authorities) and the appointment, replacement and removal of members of them other than in cases where the Executive is entitled to make appointments to joint committees, the Chief Executive, in consultation with the Mayor, makes appointments to Licensing Committee during an election year <i>and, except where specifically provided otherwise, the appointment, replacement and removal of the Chairs, and Vice Chairs of them.*</i>	Local Government Act 1972. Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

5	Resolution to operate executive arrangements or to make a change in governance arrangements.	Section 29 of the Local Government Act 2000. Paragraph 3 or 8 of Schedule 4 to the Local Government and Public Involvement in Health Act 2007.
6	Authorising applications to the Secretary of State for disposals of council dwelling houses to be included in their disposals programme or for consent to such disposals where consent is required.	Section 135, Leasehold Reform and Urban Development Act 1993. Sections 32 and 43 of the Housing Act 1985.
7	Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
8	Adopting or amending a members allowances scheme.	Section 18 of the Local Government and Housing Act 1989. Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
9	Electing the Leader.	Sections 11 and 44C of the Local Government Act 2000.
10	Adoption of the Members' Code of Conduct.	Section 51 of the Local Government Act 2000.
11	Approval of the appointment or dismissal of the Chief Executive, Monitoring Officer and Section 151 Officer on a permanent or interim basis.	The Local Authorities (Standing Orders) (England) Regulations 2001. Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

12	Adoption or approving the Policy Framework and the Budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
13	Changing the name of the borough.	Section 74 of the Local Government Act 1972.
14	Appointment of the Mayor.	Schedule 4 to the Local Government Act 1972.
15	Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
16	The making, altering or revoking of procedural rule except as provided for in the Constitution.	Sections 29, 106 and Schedule 12 of the Local Government Act 1972. Sections 8 and 20 Local Government and Housing Act 1989.
17	Adopting and changing the Constitution except in relation to those arrangements which it is the responsibility of the Leader to make.	Local Authorities (Arrangements for the Discharge of Functions) Regulations 2000.
18	Making, amending, revoking, re-enacting or adopting byelaws.	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.
19	Promoting or opposing the making of local legislation or personal Bills.	Section 239 of the Local Government Act 1972.
20	The making of an agreement to establish a joint planning committee or to prepare a joint development plan document or to request the Secretary of State to revoke an order establishing such a joint committee.	Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
21	Power to resolve not to issue a casino premises licence and duty to publish the 3 year licensing policy.	Sections 166 and 349 of the Gambling Act 2005.

22	Duty to publish 5 year licensing policy	Section 5 of the Licensing Act 2003
23*	<i>Power to introduce a late night levy</i>	<i>Police Reform and Social Responsibility Act 2012</i>
24*	<i>Power to make an early morning alcohol restriction order.</i>	<i>Section 172A Licensing Act 2003</i>
25	Approving the annual Pay Policy Statement	Section 38 Localism Act 2011
26	Any other matter that by law is reserved for consideration, approval or resolution by the Council including those identified in Appendix 2.	

- 7.2 The Council shall also be responsible for making appointments to outside bodies (other than to Boards as referred to in Article 10.01(b) and (c) or to companies established to carry out Executive functions) and appointing people to serve on schools admission and exclusion appeal panels although the Audit Committee shall also have power to make such appointments.
- 7.3 Other non-executive functions are delegated to the body within the terms of reference of which the function falls or, if none, to officers.

8. OFFICER DELEGATIONS

8.1 All matters not reserved to a decision-making body or individual above or by Financial Regulations, are deemed to be delegated to the Chief Executive, relevant Corporate Director, the Director of Public Health, or the Director of Adult Social Care, and notwithstanding the reservations of matters, such bodies shall be entitled to delegate decisions to Directors or the Chief Executive on a case by case basis unless prohibited by legislation from doing so. All references within the Constitution to Corporate Directors, also refer to the Director of Public Health and Director of Adult Social Care.

8.2 The relevant Corporate Director may be determined as follows:

- (a) all matters within the Environment Department to the Corporate Director of Environment and Climate Change;
- (b) all matters within the Children's Services department, to the Corporate Director of Children's Services;
- (c) all matters within the Homes and Neighbourhoods Department, to the Corporate Director of Homes and Neighbourhoods, (including 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 sub-committees of the Licensing Committee or reserved to the Council at Part 3 Section 6 of the Constitution, other than the fixing of fees under the Gambling Act 2005);
- (d) all matters within the Resources department to the Corporate Director of Resources, (with the exception functions specifically designated to the Chief Finance Officer, if the Corporate Director is not also appointed as Chief Finance Officer);
- (e) all matters within the Public Health Department, to the Director of Public Health;
- (f) all matters within the Community Wealth Building Department to the Corporate Director – Community Wealth Building;
- (g) all matters within the Community Engagement and Wellbeing Department to the Corporate Director – Community Engagement and Wellbeing;
- (h) all matters within the Adult Social Care Department to the Director of Adult Social Care;

save that each Corporate Director may have responsibility for other corporate matters from time to time.

8.4 The Chief Executive shall have all the powers delegated to the other Corporate Directors and shall be able to exercise those powers in the place of that director. Further, in the event of any dispute or doubt as to the delegated powers of any director, the Chief Executive shall have the authority to determine which director is to exercise that power.

8.5 In the absence of a Corporate Director, the Chief Executive may designate an alternative Chief Officer to undertake all the powers and duties of the relevant Corporate Director.

- 8.6 The Chief Executive shall have the authority, during the period between the election and the Annual Meeting of the Council, in consultation with the Mayor, to appoint the number of members necessary to make the membership of the Licensing Committee up to 10.
- 8.7 The Chief Executive may from time to time designate a deputy from amongst the Corporate Directors, who shall have all the powers of the Chief Executive during periods when the Chief Executive is absent on leave, and shall inform the Monitoring Officer and Chief Finance Officer whenever a deputy is so designated.
- 8.8 The Chief Executive, Corporate Directors and the Chief Finance Officer shall have authority to incur revenue expenditure up to £500,000 on individual items and capital expenditure of up to £1 million on individual items and to incur expenditure in excess of these limits where specifically authorised to do so in the Financial Regulations or elsewhere in the Constitution.
- 8.9 The Chief Executive, Corporate Directors and the Chief Finance Officer shall also have authority to award contracts where the value of the contract is up to £2 million revenue expenditure or £5 million capital expenditure.
- 8.10 Notwithstanding anything in this Constitution, the Chief Executive, Corporate Directors and the Chief Finance Officer shall be authorised to take decisions where the matter is urgent unless this is prohibited by law. In such cases, the Corporate Director wishing to take such action or the Chief Executive (as the case may be) shall notify the Leader of the Council, the Executive Member with portfolio responsibility for the matter to which the decision relates and the Leader of the Opposition of any such action.
- 8.11 If the decision taken under paragraph 8.8 above concerns an executive function the exercise of authority under this provision shall be reported to the next available meeting of the Executive and where the decision is a key decision which has not been included in the Forward Plan, the provisions of paragraph 92 and 93 of the Access to Information Procedure Rules shall apply.
- 8.12 For the purposes of paragraph 8.8 above, a matter is urgent if, in the reasonable opinion of the proposed decision taker, to delay the decision relating to it would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision making body in sufficient time to take the decision.
- 8.13 Delegations to officers below Corporate Director and Chief Finance Officer level are contained in Appendix 3. Where those powers may only be exercised with the authorisation of the relevant Corporate Director, the Corporate Director shall provide to the Monitoring Officer a list of the general authorisations they have given and of any specific authorisations and the Monitoring Officer shall cause these lists to be made publicly available. Corporate Directors are responsible for updating the Monitoring Officer promptly of any changes in their authorisations. In all cases the Corporate Director, unless expressly excluded, will be able to exercise the powers delegated to officers within their department.

- 8.14 The Chief Executive shall have authority to delegate all matters within the Chief Executive's Department in accordance with Appendix 3. Where those powers may only be exercised with the authorisation of the Chief Executive, the Monitoring Officer will retain a list of the general (and any specific) authorisations they have been given and shall cause these lists to be made publically available. The Chief Executive will be able to exercise the powers delegated to officers within their department.
- 8.15 Corporate Directors may designate a deputy / deputies from amongst the Directors in their department who shall have all the powers of the Corporate Director or in their absence which do not relate just to a specific service. Corporate Directors shall be responsible for informing the Monitoring Officer and the Chief Finance Officer of their designated deputy from time to time.
- 8.16 A list of designated proper officers for the purposes of legislation is contained in Appendix 4. Proper Officers may also be designated in accordance with Appendix 3 1.1 (iii).

PART 4

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9. ANNUAL MEETING OF THE COUNCIL

9.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting shall take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) Elect a person to preside if the Mayor is not present;
- (b) Receive any announcements from the Mayor and/or Head of the Paid Service;
- (c) Agree the minutes of the last ordinary meeting;
- (d) Elect a Mayor;
- (e) Elect a Leader of the Council (in a year when the annual meeting follows an ordinary election of councillors or if the office of Leader is vacant);
- (f) Receive notice from the Leader of the number, portfolios and job descriptions of the councillors he/she is appointing to the Executive;
- (g) Receive notice from the Leader of the councillor he/she is appointing as Deputy Leader of the Executive (in a year when the annual meeting follows an ordinary election of councillors, there is a vacancy in the post of Deputy Leader or the Leader wishes to exercise his/her power to replace the Deputy Leader);
- (h) To receive notice from the Leader of the allocation of Executive functions to be included in the Constitution;
- (i) Carry out a review of the political balance on Council Committees and other relevant bodies;
- (j) Appoint members and where appropriate substitute members (including Chairs and vice-Chairs) to the Policy and Performance Scrutiny Committee, other Scrutiny Committees, Health and Wellbeing Board and the Standards Committee;
- (k) Appoint members and substitute members (including Chair and vice-Chair) to the Audit, Planning, Licensing and Licensing Regulatory Committees and any other committees;
- (l) Receive nominations for and make appointments to, those outside bodies to which the Council is entitled to appoint except where that right of appointment is exercisable only by the Executive;
- (m) Consider any business set out in the notice convening the meeting.

10. ORDINARY MEETINGS

- 10.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Chief Executive following consultation with the Whips. This programme may also include such other meetings of the Council requested by the Mayor relating to civic functions up to a maximum of two per municipal year, and this shall include the granting of civic awards. Such meetings will only consider the business set out in the agenda and for which the meeting has been convened and paragraph 10.2(e) to (o) below shall not apply to such meetings.
- 10.2 Business at ordinary meetings will be to:
- (a) Appoint a person to preside if the Mayor is not present;
 - (b) Approve the minutes of the last meeting;
 - (c) Receive any declarations of interest from members;
 - (d) Receive any announcements from the Mayor, Leader, or the Head of Paid Service;
 - (e) Deal with any business from the last Council meeting;
 - (f) Receive petitions from members of the Council and of the public;
 - (g) Receive reports from Scrutiny Committees, Audit Committee, the Standards Committee, the Chief Whip and chief officers;
 - (h) Receive reports about the business of joint arrangements, boards and partnership bodies and external organisations;
 - (i) Consider motions (subject to 20.1(d));
 - (j) Include a public question session (subject to 19(2)(a)) which shall include the presentation and discussion of petitions from members of the public in accordance with Rule 19;
 - (k) Include a councillors' questions session (subject to 19(2)(a))
 - (l) Consider any other business specified in the summons to the meeting which may include consideration of proposals from the Executive in relation to the Council's budget and policy framework, early consideration of plans which will form part of the policy framework, strategic debate on matters of borough wide importance and reports of the Scrutiny Committees for debate;
 - (m) Hear any deputations relating to items of business on the agenda or, in extraordinary circumstances, other matters, in each case with the agreement of the Mayor;
 - (n) Consider any matters of urgency brought forward by leave of the Mayor*;
 - (o) Agree any necessary amendments to the Constitution.

* See also Procedural Rules 19.4 and 20.4

11. ORDER OF BUSINESS

11.1 Determination by Mayor

Subject to 11.2 below, the Mayor shall decide the order of business at an ordinary meeting of the Council.

11.2 Balance of Motions

A party may nominate one item of business on the agenda for discussion before 9.30pm, but there is no requirement that the discussion of it finish before that time. Where an item is specified, the Mayor shall ensure that the items are called before 9.30pm. Urgent items agreed to be considered by the Mayor under 10.2(n) above, shall count against the specified item.

12. EXTRAORDINARY MEETINGS

12.1 Calling extraordinary meetings

Those listed below may require the Proper Officer (who for this purpose shall be the Chief Executive) to call Council meetings in addition to ordinary meetings:

- (a) The Council by resolution;
- (b) The Mayor;
- (c) The Monitoring Officer; and
- (d) Any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

In the event of a change in the membership of any political group (whether by reason of a by-election, resignation or defection of any member or otherwise) such as to cause that or any other group to become the largest or joint largest group on the Council, any five members of that group may sign a requisition asking the Proper Officer to call an extraordinary meeting of the Council and the Proper Officer shall ensure that such a meeting is held within 20 working days of receipt by her/him of the requisition.

12.2 Business

Business at extraordinary meetings of the Council shall be restricted to:

- (a) the item of business for which the meeting has been called and;
- (b) any deputations relating to items of business on that agenda which the Mayor agrees to hear in accordance with Rule 19 5.

13. APPOINTMENT OF MEMBERS AND SUBSTITUTES TO COMMITTEES

13.1 Appointment of members

- (a) All nominations to serve on the Policy and Performance Scrutiny Committee and other committees must be sent in writing to the Chief Executive not later than 5pm on the last working day before the day on which the Annual Meeting of the Council is due to be held.
- (b) If the number of candidates nominated and standing does not exceed the number of vacancies to be filled, those candidates shall be declared to be members of the committee.
- (c) If the number of candidates nominated and standing exceeds the number of vacancies to be filled, the election shall be conducted by vote.
- (d) All appointments to committees (other than committees and sub-committees of the Executive or to the Health and Wellbeing Board) will be made in accordance with legislation relating to the political balance on committees.

13.2 Appointment of substitute members

(a) Allocation

As well as allocating seats on the Policy and Performance Scrutiny Committee and other committees, the Council will allocate seats in the same manner for substitute members, provided that the substitute member is not already a member of the body concerned.

(b) Number

For each body, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee. The council may appoint the number of substitutes it wishes during any period during which appointment to committees and sub-committees is not required to comply with the political balance rules. In the case of the Health and Wellbeing Board a specific deputy may be appointed in respect of each member who may attend the meeting subject to the agreement of the Chair

(c) Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the body but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

(d) Substitution

Substitute members may attend meetings as substitutes for ordinary members of a committee provided that:

- (i) the substitute member states (as soon as they attend the meeting) that they are attending as a substitute and the name of the ordinary member for whom they are substituting; and
- (ii) where a substitute has been present in that capacity for any part of a debate on that item, the ordinary member for whom they are substituting shall not be entitled to vote on that item, notwithstanding the fact that they may have arrived at the meeting before the matter is put to the vote.

14. TIME AND PLACE OF MEETINGS

Meetings of the Council will take place in the Council Chamber at the Town Hall, Upper Street, London, N1 2UD unless otherwise specified in the summons. Meetings of the Council will take place at 7.30pm, unless otherwise determined by the Mayor in consultation with the Leader and the Chief Whips.

15. NOTICE OF SUMMONS AND CANCELLATION OF MEETINGS

- 15.1 The Chief Executive will give notice to the public of the time and place of any of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons signed by him or her to every member of the Council by post to or by leaving it at their usual place of residence or such other address as the member shall have notified the Chief Executive in writing as the address to which he/she wishes summonses to be sent or by sending it in electronic form to a particular electronic address agreed by the member. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available. Where a meeting has been called by members under paragraph 12.1(d) above, the notice of the meeting shall be signed by those members.
- 15.2 Should the Mayor consider that there is insufficient business to warrant the holding of a Council meeting and provided that he or she is satisfied that the interests of the Council or public will not be materially prejudiced by doing so, the Mayor may cancel a Council meeting. This provision shall not apply to the Annual Council or any meeting called pursuant to paragraph 12 unless in the case of a meeting convened under paragraph 12.1.c, the Monitoring Officer has consented to such cancellation.

16. CHAIR OF MEETING

References in these rules to the Mayor also include the Deputy Mayor and any person elected to preside at a meeting of the Council in the absence of the Mayor. The person presiding at the meeting may exercise any power or duty of the Mayor.

17. QUORUM

- 17.1 The quorum of a meeting will be 12. A meeting which remains inquorate for 15 minutes after it was due to start shall not take place.
- 17.2 If, once a meeting has started, the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the

Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

18. DURATION OF MEETING

18.1 Termination of the meeting

If the business of the meeting has not been concluded by 10.30pm, the member then speaking must immediately sit down. The Mayor shall put the matter then under discussion to the vote in the usual way without any further discussion.

18.2 Motions and recommendations not dealt with

If there are other motions or recommendations on the agenda that have not been dealt with by 10.30pm they shall be deemed formally moved and seconded and then put straight to the vote in the usual way. No speeches shall be allowed on these items.

18.3 Recorded vote

If a recorded vote under Rule 24.4 is called for during this process it will be taken immediately.

18.4 Motions which may be moved

During the process set out in Rules 18.1-18.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

18.5 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

19. PETITIONS, QUESTIONS AND DEPUTATIONS

19.1 Petitions

- (a) Petitions signed in hard copy or through an e-petition created on the council's website by 5 or more people who live, work or study in Islington, may be submitted to the council department responsible for the service the petition concerns or may be presented to the Council by any member of the Council, or any member of the public who has notified the Petitions Officer before 5pm on the day of the meeting that he or she wishes to do so.¹
- (b) Subject to paragraph (f) below, any member of the public presenting a Petition shall be entitled to address the Council on the matter which is the subject of the petition for up to two minutes.

¹ Guidance on submitting petitions is available on the council's website
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- (c) Subject to paragraph (d) and (e) below, once a member of the public has finished speaking, receipt of the petition shall be acknowledged, but there shall be no further debate on the petition which shall stand referred to the Corporate Director of the department responsible for the matter to which the petition relates. The Corporate Director shall determine what action, if any, shall be taken and shall ensure that the person presenting the petition receives a response within a reasonable time, with a copy to the relevant Executive member or Chair of committee.
- (d) Where a Petition has received at least 2000 signatures a debate shall be held on the petition for up to 15 minutes, normally at the following ordinary Council meeting.
- (e) Where a Petition has received between 1000 and 2000 signatures, the member of the public presenting the Petition shall be entitled to meet with the Leader of the Council or the Executive member with the relevant portfolio responsibilities to discuss the issues raised in the petition at a mutually agreed time.
- (f) Petitions falling with paragraphs (d) or (e) shall be considered first. If the Mayor considers, in light of the rest of the agenda, that there is insufficient time for all those presenting other petitions to speak on them, s/he may rule that no further speeches be heard and any remaining petitions shall stand referred in accordance with the procedure set out in paragraph (c) above.

19.2 Questions

- (a) Subject to Rule 19.4, councillors and members of the public may at any ordinary meeting of the Council 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 for members of the public 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.
- (d) The time set aside for questions shall be 60 minutes. Up to 30 minutes of this time shall be reserved for the public to ask questions. Provided a question has begun to be asked within the 30 minutes the full question may be asked and the answer given. All remaining time for questions shall then be available for members questions submitted under Rule 19.2(c). At the meeting following the Annual meeting and at each alternate meeting for the rest of the municipal year, an additional 20 minutes shall be set aside for questions from the Youth Council..
- (e) No member may ask more than two questions at a council meeting.
- (f) No member of the public may ask more than one question at a council meeting and the asking of the question (or of any supplementary question where permitted under Rule 19.3) shall not take longer than 2 minutes.

- (g) Questions of which notice has been given shall be printed on the agenda in the order of receipt, but where there are more than one on any particular subject, or closely related subjects, the Mayor may rule that they be taken together and a joint reply given.
- (h) The Proper Officer shall have power to edit or amend written questions to make them concise but without affecting the substance, following consultation with the questioner.
- (i) An answer may take the form of:
 - (i) A direct oral answer;
 - (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (iii) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner within 5 working days provided the questioner has given contact details.
- (j) Questions shall be asked in the order determined by the Mayor but priority shall normally be given to questions notified in advance.
- (k) Replies to questions shall not exceed 3 minutes (or two minutes in the case of supplementary questions under rule 19.3).
- (l) An answer will not be given orally if the questioner is not present in the Chamber or if the time allowed for questions has elapsed. In such cases, a written reply will be sent to the questioner.
- (m) Questions not answered at a meeting may, at the request of the questioner, be withdrawn and resubmitted to the next or future meeting of the Council, provided that an answer has not already been supplied.

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.

19.4 Scope of questions

The Proper Officer may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the area;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question asked within the last six months;

- (d) requests the disclosure of information which is confidential or exempt; or
- (e) names, or clearly identifies, a member of staff or any other individual.

19.5 Deputations

- (a) Deputations wishing to attend Council shall require the approval of the Mayor.
- (b) Requests for deputations should normally be in writing and be received by the Proper Officer at least two clear working days before the meeting.
- (c) Deputations shall only be received where the subject of the deputation is on the agenda of the meeting concerned.
- (d) One representative of the deputation will be entitled to address the meeting and shall speak for no more than three minutes unless the Mayor decides otherwise.

20. MOTIONS WITH NOTICE

20.1 Notice

- (a) Except for motions which can be moved without notice under Rule 22, written notice of every motion, under the name of at least one member, must be delivered to the Proper Officer not later than 2pm on the day which falls seven clear working days before the date of the meeting.
- (b) No member may place more than two motions on the agenda at the same meeting, but this does not apply to urgent motions or motions under (c) below.
- (c) In the case of reports from the Leader, the Executive, the Policy and Performance Scrutiny Committee and other committees or officers, a motion to adopt the recommendations in the report shall be deemed to have been delivered in accordance with 20.1(a).
- (d) No motions may be submitted under 20.1(a) for the Annual Meeting or the meeting at which the council's budget and Council Tax are set.

20.2 Motions of No Confidence in the Leader

- (a) Motions of no confidence in the Leader shall only be considered if at least 75% of council members (36) are present at the time the vote is taken.
- (b) Motions proposing that a vote of no confidence be taken may not be treated as an urgent matter by the Mayor under Rule 10.2(n).
- (c) If the motion of no confidence seeks the removal of the Leader, it shall include a proposal as to the appointment of a new Leader and if such a motion is passed (and agreed by the proposed new Leader), the appointment shall take effect immediately and the new Leader shall hold office until the commencement of the annual meeting of the Council following the next ordinary Council elections after his or her election.

20.3 Motions set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received.

20.4 Scope

Motions must be about matters for which the Council has a responsibility or which affect the borough. The Proper Officer may reject any motions which are defamatory, frivolous or offensive which name, or clearly identify, a member of staff or any other individual and where this occurs, he/she shall notify the member(s) proposing the motion of his/her decision and the reason for it.

21. PREVIOUS DECISIONS AND MOTIONS

21.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved, unless the notice of motion is signed by at least 16 members, or unless it relates to the budget setting process set out in the budget and policy framework procedure rules.

21.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved, unless the notice of motion or amendment is signed by at least 16 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for a further six months.

22. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) To appoint a Chair of the meeting at which the motion is moved;
- (b) In relation to the accuracy of the minutes;
- (c) To change the order of business in the agenda;
- (d) To refer something to an appropriate body or individual;
- (e) To appoint a committee or member arising from an item on the summons for the meeting;
- (f) To withdraw a motion;
- (g) To proceed to the next business;
- (h) That the question be now put;

- (i) To adjourn a debate;
- (j) To adjourn a meeting;
- (k) To suspend a particular council procedure rule governing the conduct of that council meeting;
- (l) To exclude the public and press in accordance with the Access to Information Rules;
- (m) Not to hear further a member named under Rule 28.2 or to exclude them from the meeting under Rule 28.2;
- (n) To move an urgent motion where the Mayor has given consent under Rule 10.2(n); and
- (o) To give the consent of the Council where its consent is required by this Constitution.

23. RULES OF DEBATE

23.1 Seconding of motions

Where the motion has a seconder, no speeches may be made after the mover has moved a proposal and explained the purpose of it, until that person has seconded the motion. Where there is no seconder, the following paragraphs shall apply as though references to a seconder are deleted. For the avoidance of doubt, all motions proposed under paragraph 22 above, shall require to be seconded.

23.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

23.3 Secunder's speech

When seconding a motion or an amendment, a member may reserve their speech until later in the debate, subject to Rule 18 .1 (termination of the meeting) or to any closure motion which may subsequently be moved.

23.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 3 minutes without the consent of the Mayor except that the proposer of any motion who shall have 5 minutes to move that motion (except on a motion to amend where the 3 minute time shall apply).

23.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) To speak once on an amendment moved by another member;
- (b) To move a further amendment if the motion has been amended since he/she last spoke;
- (c) If his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) In exercise of a right of reply;
- (e) On a point of order; and
- (f) By way of personal explanation.

23.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and shall be:
 - (i) To refer the matter to an appropriate body or individual for consideration or reconsideration; or
 - (ii) To leave out words, add or insert words as long as the effect of so doing is not to negate the motion.
- (b) Unless the Mayor otherwise agrees, an amendment must be in writing and submitted to the Proper Officer by no later than 12 noon on the day prior to the meeting and shall be made available to all members via email as soon as possible thereafter.
- (c) All amendments to a motion shall be moved prior to discussion on any amendment and all amendments shall then be discussed.
- (d) Amendments shall be voted upon in an order determined by the Mayor.
- (e) If an amendment is carried, the motion, as amended, takes the place of the original motion. This becomes the substantive motion to which any further amendments, if carried, are made.
- (f) After the final amendment, if there are any, has been voted upon, the Mayor shall put the motion, as amended, to the vote.

23.7 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. If the seconder is not present,

another member may second the altered motion on his/her behalf. The meeting's consent will be signified without discussion.

- (c) Only alterations which could be made as an amendment may be made.

23.8 Withdrawal of motion

- (a) A motion may be withdrawn by the person giving notice provided that such notice is in writing and is submitted to the Proper Officer before the agenda is published.
- (b) A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. If the seconder is not present, another member may consent to the withdrawal on his/her behalf. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

23.9 Right of reply and order of debate

- (a) The mover of a motion has a right to reply at the end of the debate on a motion immediately before it is put to the vote.
- (b) If an amendment is moved the debate shall proceed in the following manner:

The mover of the motion shall speak;

The seconder of the motion shall speak unless he or she has reserved their speech pursuant to rule 23.3;

The mover of the amendment shall speak;

The seconder of the amendment shall speak unless he or she has reserved their speech pursuant to rule 23.3;

The last two steps shall be repeated for each amendment;

There shall follow such other number of speakers as the Mayor considers appropriate;

If the seconders of the substantive motion and the amendment reserved their speeches, they shall then speak;

The mover of the amendment(s) shall have a right of reply;

The mover of the substantive motion shall have the final right of reply;

A vote shall be taken on the amendment;

A vote shall be taken on the substantive motion, as amended if appropriate, without further debate.

23.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw that motion;
- (b) to amend that motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) not to hear further a member named, or to exclude them from the meeting under Rule 28.2.

23.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor considers that the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the procedural motion is carried, the meeting will proceed to the next item of business without any further debate.
- (c) If a motion that the question be now put is seconded and the Mayor considers that the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If the procedural motion is passed, the Mayor will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

23.12 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

23.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

23.14 Policy framework

Where a plan forming part of the policy framework has been the subject of a debate at Council prior to its being submitted for approval by the Executive, then unless five members shall have notified the Proper Officer prior to the meeting that they wish the plan to be further debated, no debate shall be had on that plan and the recommendations shall be formally moved and seconded and then put straight to the vote.

23.15 External speakers

Should he/she consider it conducive to or likely to facilitate the consideration of any item of Council business, the Mayor may invite such speakers to address the meeting of the Council as he/she considers appropriate.

24. VOTING

24.1 Majority

- (a) Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.
- (b) Votes on a motion of no confidence in any office holder shall only be considered if at least 75% of council members (36) are present at the time the vote is taken .

24.2 Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

24.3 Show of hands

Unless a recorded vote is demanded under Rule 24.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

24.4 Recorded vote

If six members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. The procedure for a recorded vote shall be as follows:

- (a) The division bell shall be rung for one minute to summon members;
- (b) The council chamber shall then be closed and no one shall be permitted to enter or leave until the vote has been completed;
- (c) The Mayor shall put the motion and the Chief Executive shall call out the names of members and record their votes or abstentions;
- (d) The Mayor shall declare the result of the vote and the vote of each member shall be recorded in the minutes.

24.5 Right to require individual vote to be recorded

This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be suspended or deleted.

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

24.6 Recorded voting at the budget decision meeting

This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001 and cannot therefore be suspended or deleted.

- (a) Immediately after any vote is taken at the Council's Budget Setting Meeting on any decision relating to the making of a calculation there will be recorded in the minutes of that meeting the names of those voting for or against the decision or who abstained from voting.
- (b) For the avoidance of doubt; rule 24.6(a) applies to proposed amendments as well as to a substantive motion.
- (c) The voting will be recorded as set out in rule 24.4 (a) – (d).

24.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

25. MINUTES

25.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

25.2 No requirement to sign minutes of previous meeting at extraordinary meeting

This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and therefore cannot be suspended or deleted.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under paragraph 3 of schedule 12 of the Local Government Act 1972) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

26. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names in the attendance book before the conclusion of every meeting to assist with the record of attendance.

27. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 29 (Disturbance by Public).

28. MEMBERS' CONDUCT

28.1 Disclosable Pecuniary Interests

Any member who has a Disclosable Pecuniary Interest in any business being considered at a council meeting must leave the room where the meeting is being held whenever it becomes apparent that the business is being or is about to be considered at that meeting, unless the member has obtained a dispensation under the council's dispensation procedure.

28.2 Member not to be heard further

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

28.3 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

28.4 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

29. DISTURBANCE BY PUBLIC

29.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor may order their removal from the meeting room.

29.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared. If in the Mayor's view, this is not practicable and it is not possible to continue the meeting in light of the disturbance, he/she may rule that the meeting adjourn and/or that the meeting should be reconvened in a different venue.

30. DRINKING DURING COUNCIL MEETINGS

No alcohol shall be drunk in the chamber during meetings of the Council.

31. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

31.1 Suspension

The only Council Rules of Procedure which may be suspended are those which govern the conduct of meetings. Rules 24.5 and 25.2 (which govern the conduct of meetings but which are mandatory Standing Orders under legislation) and rule 31.2 may not be suspended. Where suspension is permitted, a rule may be suspended by a motion on notice or without notice if at least 30 members of the Council are present in the meeting. Suspension can only be for the duration of the meeting.

31.2 Amendment

Any motion to add to, vary or revoke any provision of this Constitution may only be made on notice.

32. INTERPRETATION OF RULES

The ruling of the Mayor as to the construction or application of any of these rules shall not further be challenged at any meeting of the Council.

COMMITTEE PROCEDURE RULES

33. INTRODUCTION

The following rules govern the operation of all committees established by the Council (subject, in the case of the Licensing Committee to any procedures adopted by that Committee to comply with guidance issued by the Government) and their sub-committees.

34. INTERPRETATION AND APPLICATION OF COMMITTEE RULES

34.1 Ruling of the Chair

The ruling of the Chair, who shall seek the advice of the Proper Officer or his/her representative at the meeting, as to the construction or application of these rules shall not be challenged at any meeting of a committee or sub-committee.

34.2 Application to co-opted/non-voting members

Where the Council has appointed co-opted or non-voting members to committees and sub-committees, these rules shall apply to them as if they were members of the Council.

35. POWERS AND DUTIES OF COMMITTEES

35.1 Powers

The Council shall delegate to its committees full power to exercise and perform on behalf of the Council all its powers and duties in relation to the matters specified in the terms of reference of the committee.

35.2 Substitute members on committees

Substitute members may attend meetings as substitutes for ordinary members of a committee provided that:

- (a) the substitute member states (as soon as they attend the meeting) that they are attending as a substitute and the name of the ordinary member for whom they are substituting; and
- (b) where a substitute has been present in that capacity for any part of a debate on that item, the ordinary member for whom they are substituting shall not be entitled to vote on that item, notwithstanding the fact that they may have arrived at the meeting before the matter is put to the vote.

36. APPOINTMENT OF SUB-COMMITTEES AND CHAIRS

36.1 Appointment at the first meeting

At the first meeting of committees after the Annual Meeting of the Council, they shall appoint their sub-committees for the remainder of the municipal year. The committees may appoint such sub-committees as they deem necessary during the municipal year.

36.2 Substitute members

- (a) A committee may appoint one or more substitute members to attend, speak and vote in the absence of each member of a sub-committee provided that the substitute member is not himself/herself already a member of the sub-committee.
- (b) That substitute member shall state (as soon as they attend the meeting) that they are attending as a substitute and the name of the ordinary member for whom they are substituting.
- (c) Where a substitute has been present in that capacity for any part of a debate on that item, the ordinary member for whom they are substituting shall not be entitled to vote on that item, notwithstanding the fact that they may have arrived at the meeting before the matter is put to the vote.

37. CHAIRS AND VICE-CHAIRS OF COMMITTEES AND SUB-COMMITTEES

37.1 Chairs and Vice-Chairs of Committees

At their first meeting following the Annual Meeting of the Council, committees shall appoint their Chairs and Vice-Chairs for the municipal year unless already appointed by the Council. The Vice-Chair of a committee shall have all the powers and functions of the Chair when acting as Chair. This shall apply also to Vice-Chairs of sub-committees.

37.2 Chairs and Vice-Chairs of Sub-Committees

The Chairs and Vice-Chairs of sub-committees shall be appointed by the committee which establishes them at the same meeting at which the sub-committee itself is established and be appointed for the municipal year or until successors are appointed.

37.3 Resignation of Chair or Vice-Chair

A Chair or Vice-Chair may resign by notice in writing to the Chief Executive, who shall report the resignation to the next meeting of the body concerned to enable a replacement to be appointed.

38. NOTICE OF MEETINGS

38.1 Despatch of notice

Five clear working days at least before a meeting of any committee or sub-committee, notice of the time and place of such meeting shall be left at or sent by post to the last known place of residence of every member of the committee/sub-committee or be sent in electronic form to a particular electronic address agreed by the member. Failure to receive any such notice shall not affect the validity of a meeting.

38.2 Notice where a motion has been referred to a committee or sub-committee

A member of the Council who has moved a motion which has been referred to any committee or sub-committee shall have notice of the meeting of the committee or sub-committee at which it is proposed to consider the motion.

38.3 Business specified in the agenda

No business shall be transacted at any meeting of a committee or sub-committee other than that specified in the agenda, except, in accordance with current legislation, matters of urgency brought forward by leave of the Chair.

38.4 No meetings when the Council is sitting

No committee or sub-committee shall meet during the sitting of the Council, except by special authority of the Council. The Mayor, in consultation with the Chief Whip, shall be authorised to determine any requests for such a meeting.

39. DATES, TIME AND PLACE OF MEETINGS

39.1 Dates and time of meetings

Ordinary meetings of committees and sub-committees will take place in accordance with a programme decided by the Chief Executive following consultation with the Whips. Meetings shall take place at 7.30pm or at such other time agreed by the Chief Executive in consultation with the Chair of the relevant committee and in consultation with the Whips.

39.2 Place of meetings

The ordinary place of meeting for committees and sub-committees shall be Islington Town Hall, Upper Street, London, N1 2UD but the Chair, in consultation with members of the committee or sub-committee in question, may arrange for meetings to take place elsewhere.

40. CANCELLATION OF MEETINGS

The Chair of a committee or sub-committee may cancel a meeting of the relevant committee or sub-committee unless the meeting has already been formally called.

41. UNSCHEDULED MEETINGS OF COMMITTEES

41.1 Calling of unscheduled meetings

The Chair of a committee or sub-committee may direct the Chief Executive to call a meeting of the committee or sub-committee at any time. An unscheduled meeting shall also be called on the requisition of three members of the committee, delivered in writing to the Chief Executive.

41.2 Business to be conducted at an unscheduled meeting

The summons to the unscheduled meeting shall set out the business to be considered at that meeting.

42. ORDER OF BUSINESS AT COMMITTEE AND SUB-COMMITTEE MEETINGS

42.1 Order of Business

The order of business at every meeting of a committee and sub-committee shall be:

- (a) To choose a person to preside if the Chair and Vice-Chair(s) are absent;
- (b) For the Chair, Vice Chair or person presiding as Chair to approve and sign the minutes of the previous meeting.
- (c) To receive reports of the officers;
- (d) Any other business specified in the summons.

42.2 Variation of Order

The order of business under (b)-(d) may be varied by the Chair.

43. CONFIDENTIAL OR EXEMPT MATTERS

Proceedings of committees and sub-committees are subject to the Access to Information Rules.

44. COMMITTEE/SUB-COMMITTEE MINUTES

44.1 Minutes to be kept

Minutes shall be kept of the proceedings of each meeting of a committee, special committee or sub-committee.

44.2 Submission of minutes for approval

Minutes shall be submitted for approval at the next ordinary meeting of the committee/sub-committee. The only part of the minutes that can be discussed is their accuracy.

45. QUORUM OF COMMITTEES AND SUB-COMMITTEES

45.1 Committees

Business shall not be transacted at a meeting of any committee unless a quorum is present. The quorum for a committee meeting shall be three voting members of the committee unless otherwise expressly provided in Part 5. A meeting which remains inquorate for 15 minutes after it was due to start shall not take place.

45.2 Sub-Committees

Business shall not be transacted at a sub-committee unless a quorum is present. The quorum for a sub-committee meeting shall be two voting members of the sub-committee unless otherwise specifically provided in this Constitution.

46. ATTENDANCE AT COMMITTEES AND SUB-COMMITTEES

46.1 Right of members of the Council to attend meetings

Subject to the provisions of 46.2 below, members of the Council may attend the meetings of any committee or sub-committee; no member who is not a member of the committee or sub-committee may vote and they may only take part in the proceedings if invited to do so by the Chair and with the agreement of the committee or sub-committee.

46.2 Legal right to attend meetings

Rule 46.1 above shall not prejudice the legal rights of a member when attendance at any such meeting is necessary, in order that the member may have access to information reasonably necessary to enable the performance of the member's duties.

47. VOTING

47.1 By show of hands

Voting at meetings of committees and sub-committees shall be by a show of hands.

47.2 Casting vote of the Chair

The Chair of a meeting who is a voting member shall have a second or casting vote which may be exercised if there is an equality of votes. The Chair may exercise his/her casting vote even if they abstained or did not take part in the first vote.

47.3 Named Votes

Any two members of the committee or sub-committee present and voting may require the names of members voting and the vote given, to be entered in the minutes. A member shall not be entitled to vote if entering the meeting room whilst the names are being called.

47.4 Recording of abstention/dissent

Where immediately after a vote is taken at a meeting, if any member so requires, there shall be recorded in the minutes of the proceedings of the meeting, whether the person cast his or her vote for or against the question, or whether he or she abstained from voting or requested his or her dissent be recorded.

47.5 Voting where more than two persons nominated

Where there are more than two persons nominated for any position to be filled by a committee or sub-committee and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken and so on until a majority of votes is given in favour of one person.

47.6 Casting vote where the Chair is a non-voting member

If the Chair is a non-voting member and there is an equality of votes, he/she may vacate the Chair in favour of the Vice-Chair or, in the absence of the Vice-Chair, may call for

nominations to take the Chair in the place of the Chair. In the event of the Vice-Chair taking the Chair or of an election being made to the Chair, the motion shall immediately be put to the vote without further debate and thereafter the Chair shall resume Chairing the meeting.

48. RULES OF DEBATE IN COMMITTEE AND SUB-COMMITTEE MEETINGS

48.1 Motions

The procedure governing motions contained in the Council Procedure Rules shall also apply to committees insofar as procedural motions of the kind referred to in paragraph 22(a)-(o) of those procedural rules are concerned. For the avoidance of doubt, there is no provision for motions to be submitted on notice in advance of the meeting.

48.2 Point of order/personal explanation

A member may raise a point of order or personal explanation and is entitled to be heard.

A point of order must relate to a breach of these rules or statutory provision and the member shall specify the rule or statutory provision in question and the way in which it is considered it has been breached.

A personal explanation shall be confined to a material part of the member's speech earlier in a debate which may appear to have been misunderstood.

48.3 Ruling of Chair

The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

49. PROCEEDINGS OF COMMITTEES AND SUB-COMMITTEES

49.1 Admission of press and public

The press and public shall be admitted to all meetings of committees and sub-committees, subject to the Access to Information Rules.

49.2 Documents to be treated as confidential

Subject to the Access to Information Rules all agenda, reports and other documents and all proceedings of committees and sub-committees shall be treated as confidential unless and until they have been made public in the ordinary course of the Council's business or shall have been communicated to the press by the Council or the committee or sub-committee.

50. DEPUTATIONS TO COMMITTEES AND SUB-COMMITTEES

50.1 Deputations wishing to attend committees or sub-committees shall require the approval of the Chair.

- 50.2 Requests for deputations should normally be in writing and received by the Proper Officer at least two clear days before the meeting.
- 50.3 Deputations shall only be received where the subject of the deputation is on the agenda of the meeting concerned.
- 50.4 One representative of the deputation will be entitled to address the meeting and shall speak for no more than three minutes unless the committee or sub-committee decides otherwise.

51. COMPLETION OF BUSINESS AT COMMITTEES AND SUB-COMMITTEES

51.1 Termination of the meeting

If the business of the meeting has not been concluded by 10.30pm the member then speaking must stop. The Chair shall put the matter then under discussion to the vote without any further debate.

51.2 Business not dealt with

If there is any business on the agenda which has not been dealt with by 10.30pm, it shall be deemed formally moved and seconded and then put straight to the vote. No speeches shall be allowed on these items, save planning and licensing matters where, at the Chair's discretion, the matters remaining to be determined may be voted on at the time, continue or be adjourned/deferred to a future meeting.

51.3 Recorded vote

If a recorded vote is called for during this process, it will be taken immediately.

52. CONFLICTS OF INTEREST

Any member who has a Disclosable Pecuniary Interest in any business being considered at a Committee meeting must leave the room where the meeting is being held whenever it becomes apparent that the business is being or is about to be considered at that meeting, unless the member has obtained a dispensation under the council's dispensation procedure.

53. DISTURBANCE AT MEETINGS

53.1 Members of committees and sub-committees

- (a) If at any meeting any member, in the opinion of the Chair, notified to the committee or sub-committee, commits an act of misconduct by persistently disregarding a ruling or behaving improperly or offensively or wilfully obstructing the business of the committee or sub-committee, the Chair or any other member may move that the member(s) named be not further heard. If seconded, this motion shall be put and determined without discussion.
- (b) If a member so named continues the act of misconduct after a motion under the foregoing paragraph has been carried, the Chair shall either:

- (i) move "that the member(s) named do leave the meeting", in which case that motion shall be put and determined without seconding or discussion; or
- (ii) adjourn the meeting for such period as the Chair may deem expedient.

53.2 Public

- (a) The Chair shall warn any member of the public who interrupts the proceedings that they may be excluded from the meeting if the interruption continues.
- (b) If that person continues the interruption, the Chair shall order the removal of that person from the meeting.

53.3 General disturbance

In the event of a general disturbance, the Chair may adjourn the meeting for such period or to such other venue as deemed expedient.

53.4 Filming, photography

Procedure Rules 81 and 88.2 contain provision concerning filming and photography at committee meetings.

54. SUSPENSION OF RULES

54.1 The following rules may be suspended by a committee or sub-committee and a motion to suspend shall require the support of at least half of the members of the committee or sub-committee present.

- 36 Appointment of sub-committees and Chairs
- 37 Chairs and Vice-Chairs of committees
- 37.2 Chairs and Vice-Chairs of sub-committees
- 39 Dates, time and place of meetings
- 42 Order of business at committee and sub-committee meetings
- 44.2 Submission of minutes for approval
- 47.5 Voting where more than two persons nominated
- 48.1 Rules of Debate - motions
- 48.3 Rules of Debate - ruling of Chair
- 50.1 Deputations - Chair to approve deputation
- 50.2 Deputations - request in writing two days before the meeting
- 50.4 Deputations - one speaker not more than three minutes

54.2 The suspension shall only apply for the duration of the meeting.

EXECUTIVE PROCEDURE RULES

55. DISCHARGE OF EXECUTIVE FUNCTIONS

55.1 Appointment of the Leader and the Executive

- (a) The Leader of the Executive shall be appointed at the Annual Meeting following the ordinary election of councillors for a term of 4 years to expire at the commencement of the Annual Meeting following the next ordinary election of councillors.

During the Leader's term of office, he/she may only be removed from office by:

- (i) his or her resignation;
 - (ii) his or her suspension as a councillor (although he/she may resume office at the end of the period of suspension);
 - (iii) a resolution of the Council in accordance with procedure rule 20.2;
 - (iv) if he/she ceases to be a councillor.
- (b) The Leader shall appoint a Deputy Leader who shall hold office until the end of the term of office of the Leader unless he or she is removed by the Leader, resigns as Deputy Leader or ceases to be a councillor.
- (c) All other Executive members shall be appointed by the Leader, who shall determine the number of additional members of the Executive (not to exceed 9), and shall hold office until the annual meeting following their appointment subject to that term not extending beyond their retirement, unless removed from the Executive by the Leader.
- (d) If the Leader appoints or removes a member of the Executive he/she shall as soon as practicable either:
- (i) report the appointment or removal to the Council or:
 - (ii) notify the Proper Officer of the appointment

And no appointment shall be effective until either (i) or (ii) has been complied with. The Proper Officer shall as soon as practicable report any appointment notified to him/her to the Council.

55.2 Delegation by the Leader and Executive portfolios

At the annual meeting of the Council, the Leader (once elected, if in a year of ordinary elections) will present to the Council his or her delegations for the Council to incorporate into its scheme of delegations set out in Part 3 to this Constitution. The Leader will report the name of the councillor to be appointed as Deputy Leader and the names of the other councillors to be appointed to the Executive; and in so

far as any of the following matters are changed from the arrangements currently in place details of those changes:

- (a) The nature of the portfolios to be held by Executive members and their job description, the detail to be set out in appendix 1 to this Constitution. The extent and nature of the portfolios may be amended during the year;
- (b) The extent of any authority to be retained by the Leader or delegated to Executive members individually, if any, including details of the limitation on their authority. The Leader may delegate such further matters to individual Executive members, or withdraw delegations, during the year as he/she thinks fit;
- (c) The terms of reference of such Executive committees as the Leader is appointing and the names of Executive members appointed to them;
- (d) The nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming year;
- e) If the Leader makes any changes to these arrangements he/she shall as soon as practicable either:
 - (i) report the change to the Council or:
 - (ii) notify the Proper Officer of the change

And no change shall be effective until either (i) or (ii) has been complied with. The Proper Officer shall as soon as practicable report any change notified to him/her to the Council.

55.3 Inclusion on the agenda for the Annual Meeting

This information must be sent to the Proper Officer in sufficient time for it to be included on the agenda for the Annual meeting.

55.4 Delegation of Executive functions

- (a) Executive functions may be delegated to: a committee or sub-committee of the Executive, an individual member of the Executive, Joint Bodies (in so far as this is permitted by law) or to the Chief Executive or a Corporate Director.
- (b) Where Executive functions have been delegated, that does not prevent the discharge of delegated functions by the person or body who delegated them; or the Leader or Executive from reviewing decisions made in the discharge of those functions in accordance with the provisions of Part 3 of this Constitution.
- (c) All Executive functions not expressly reserved to the Leader, the Executive, a committee of the Executive or a single member of the Executive are delegated to officers, subject to the restrictions on officer powers set out in Part 3 of the Constitution.

- (d) The Leader may appoint such further committees during the year as he/she thinks fit. If the Leader appoints a committee of the Executive he/she shall either:
 - (a) report the appointment to the Council or:
 - (b) notify the Proper Officer of the appointment

And no appointment shall be effective until either (a) or (b) has been complied with. The Proper Officer shall as soon as practicable report any appointment notified to him/her to the Council.

55.5 The Council's scheme of delegation and Executive functions

- (a) If the Executive, a committee of the Executive or a single member of the Executive other than the Leader is able to decide whether to delegate Executive functions, that body or person may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the relevant person or body must give written notice to the Leader, to the Proper Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any other person, body or committee. The Leader will present a report to the next ordinary meeting of the Council setting out the changes made.
- (b) Where (when it has power to do so) the Executive withdraws delegation from a committee of the Executive, notice will be deemed to be served on that committee when it has been served it on its Chair and the Proper Officer.

55.6 Conflicts of interest

- (a) Where the Leader has a Disclosable Pecuniary Interest as defined in the Council's Members Code of Conduct in any matter, this should be dealt with in accordance with that Code.
- (b) If the exercise of an Executive function has been delegated to an individual member or an officer and should that person have a disclosable Pecuniary Interest or Personal interest as defined in the Council's Members' Code of Conduct, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Members Code of Conduct in Part 6 of this Constitution.
- (c) If every member of the Executive has a prejudicial interest as defined in the Council's Code of Conduct for Members, a decision in relation to that matter will be taken by the Chief Executive.
- (d) Any member who has a Disclosable Pecuniary Interest in any business being considered at an Executive meeting must leave the room where the meeting is being held whenever it becomes apparent that the business is being or is about to be considered at that meeting, unless the member has obtained a dispensation under the council's dispensation procedure.

55.7 Decisions by Individual Executive Members

Decisions by any individual member of the Executive, including the Leader, in respect of matters reserved to them in the Constitution, shall not come into effect until formally recorded in writing and signed by the relevant decision taker and the Chief Executive or the Monitoring Officer, or their authorised representative and shall be subject to the call in procedure.

56. EXECUTIVE MEETINGS

56.1 Dates, time and place

- (a) Ordinary meetings of the Executive or a committee of the Executive will take place in accordance with a programme decided by the Chief Executive following consultation with the Whips. In order to enable the Executive properly to discharge its functions, particularly in relation to service performance and financial monitoring, the Executive shall meet not less than ten times a year. Meetings shall commence at 7pm or such other time as agreed by the Leader.
- (b) Subject to compliance with paragraph (a) above, the ordinary place of meeting for the Executive or a Committee of the Executive shall be Islington Town Hall, Upper Street, London N1 2UD but it may meet elsewhere when the Leader so determines.
- (c) Where the Chief Executive, the Chief Finance Officer or the Monitoring Officer is of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision for reasons related to finance, legality or probity, they may call a meeting of the Executive.
- (d) The Leader may cancel any meeting of the Executive or a committee of the Executive, other than one convened under paragraph (c) above, unless it has already been formally called.
- (e) The Leader may direct the Chief Executive to call a meeting of the Executive or a committee of the Executive at any time. The summons to that meeting shall set out the business to be considered.

56.2 Quorum

The quorum for a meeting of the Executive shall be four. If the Executive appoints an Executive committee, it shall at the same time determine the quorum of that committee which shall be included in the terms of reference of the Committee in Part 5 of the Constitution.

56.3 Procedure

- (a) Executive decisions will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

- (b) Where Executive decisions are delegated to a committee of the Executive or a Joint Committee (unless the Leader otherwise agrees), the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole unless the Leader otherwise agrees.
- (c) If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader (or other person appointed) shall preside.
- (d) Voting at meetings of the Executive or any committees of the Executive will be by show of hands and the Chair of the meeting shall have a casting vote which may be exercised if there are an equal number of votes for and against a recommendation. A member of the Executive may require his or her vote to be recorded in the minutes of the meeting.

56.4 Executive agenda

- (a) The Leader may put on the agenda of any Executive meeting any matter which he/she wishes to have discussed, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter.
- (b) Any member of the Executive may require the Proper Officer to place an item on the agenda of the next available meeting of the Executive for consideration.
- (c) The Proper Officer will ensure that an item is placed on the agenda of the next available meeting of the Executive where the Policy and Performance Scrutiny Committee or the full Council have resolved that an item be re-considered by the Executive in accordance with the provisions contained in the call-in procedure/Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.
- (d) If, in any case where the matter has not been subject to the call-in procedure, the Council resolves that a matter should be considered by the Executive, then that matter shall be placed on the Executive agenda within a reasonable period of the Council meeting at which the resolution was passed.
- (e) The Monitoring Officer and/or the Chief Finance Officer and/or the Chief Executive may include an item for consideration on the agenda of an Executive meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.
- (f) Inclusion of items on the Executive agenda under this rule is subject to compliance with the Access to Information Rules.

56.5 Order of business

At each meeting of the Executive the following business will be conducted:

- (a) Consideration of the minutes of the last meeting;
- (b) Declarations of interest, if any;
- (c) Deputations and/or public questions, if any;
- (d) Matters referred to the Executive (whether by the Policy and Performance Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Call in Procedure/Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (e) Issues arising from the Policy and Performance Scrutiny Committee and the other Scrutiny Committees;
- (f) Consideration of business set out in the agenda for the meeting;
- (g) Consideration of policy, budget and other issues prior to making decisions on them;
- (h) The order of business may be varied by the Chair.

56.6 Deputations/public questions

- (a) Deputations may attend Executive meetings, provided that the matter on which the deputation wants to address the Executive is on the agenda for that meeting.
- (b) Requests for deputations should normally be in writing and received by the Proper Officer at least two clear days before the meeting.
- (c) The Chair will decide whether to receive the deputation.
- (d) One representative of the deputation will be entitled to address the meeting and shall speak for no longer than 3 minutes unless the Executive decides otherwise.
- (e) Members of the public shall, with the leave of the Chair of the meeting, be entitled to ask questions on any matter which is on the agenda for that meeting.

56.7 Councillors' speaking rights

When the Executive meetings are held in public, any member of the Council may attend. A member of the Council who is not an Executive member shall, with the leave of the Chair of the meeting, be entitled to speak on any item on the agenda.

56.8 Completion of business

(a) Termination of the meeting

If the business of the meeting has not been concluded by 10.30pm, the member then speaking must stop. The Chair shall put the matter then under discussion to the vote without any further debate.

(b) Business not dealt with

If there is any business on the agenda which has not been dealt with by 10.30pm, it shall be deemed formally moved and seconded and then put straight to the vote. No speeches shall be allowed on these items.

(c) Recorded vote

If a recorded vote is called for during this process, it will be taken immediately.

56.9 Disturbance at meetings

(a) Council members

(i) If at any meeting any member, in the opinion of the Chair, notified to the Executive, commits an act of misconduct by persistently disregarding a ruling or behaving improperly or offensively or wilfully obstructing the business of the Executive, the Chair or any other member may move that the member(s) named be not further heard. This will apply also to any member of the Council not being a member of the Executive.

(ii) If a member so named continues the act of misconduct after a motion under the foregoing paragraph has been carried, the Chair shall either:

(a) move 'that the member(s) named do leave the meeting', in which case that motion shall be put and determined without seconding or discussion; or

(b) adjourn the meeting for such period as the Chair may deem expedient.

(b) Public

(i) The Chair shall warn any member of the public who interrupts the proceedings that they may be excluded from the meeting if the interruption continues.

(ii) If that person continues the interruption, the Chair shall order the removal of that person from the meeting.

(c) **General disturbance**

In the event of a general disturbance, the Chair may adjourn the meeting for such period or seek another venue as deemed expedient.

(d) **Filming, photography**

Procedure rules 81 and 88.2 apply to meetings of the Executive².

57. TAKING OF DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

57.1 It is not currently envisaged that individual members of the Executive will take decisions as these will be taken by the Executive as a whole. The only exceptions to this are:

- (a) in relation to those social services functions exercised jointly with the Islington PCT pursuant to Section 75 of the Health Services Act 2006. The Executive member with portfolio responsibility for Health and Social Care for Adults shall be entitled to take decisions on an individual basis;
- (b) The Leader shall be entitled to take those decisions specifically reserved to him or her in the Constitution or which he/she has notified to the Proper Officer in accordance with procedural rule 55.2(e).

57.2 Where these decisions are key decisions, the relevant provisions of the Access to Information Procedures, Rules and Scrutiny Rules shall apply. The fact that the Executive member is entitled to take decisions in these circumstances shall not prevent the whole Executive from choosing to take the decision itself.

58. IMPLEMENTING EXECUTIVE DECISIONS

In order to allow for call-in, no executive key decision (whether made by the Executive, a committee of the Executive or an officer) can be implemented until three working days after the decision has been published, unless it is urgent under Rule 67 of the Scrutiny Procedure Rules.

SCRUTINY PROCEDURE RULES

59. MEETINGS OF THE POLICY AND PERFORMANCE SCRUTINY COMMITTEE AND OTHER SCRUTINY COMMITTEES

- 59.1 In addition to ordinary meetings of the Policy and Performance Scrutiny Committee, additional meetings may be called from time to time as and when appropriate. A Policy and Performance Scrutiny Committee meeting may be called by the Chair of the Policy and Performance Scrutiny Committee, by any five members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.
- 59.2 Other Scrutiny Committees shall hold such meetings as they see fit for the purpose of completing their task within the time limit set. Meetings of these Scrutiny Committees may be called by the Chair of the committee, by any two members of the Scrutiny Committee or by the Proper Officer if he/she considers it necessary or appropriate.
- 59.3 The ordinary place of meeting for the Policy and Performance Scrutiny Committee and the other Scrutiny Committees shall be Islington Town Hall, Upper Street, London, N1 2UD but arrangements may be made for them to meet elsewhere when the Chair so determines in consultation with the Whips.

60. CHAIR OF THE POLICY AND PERFORMANCE SCRUTINY COMMITTEE AND OTHER SCRUTINY COMMITTEES

- 60.1 The Chair of the Policy and Performance Scrutiny Committee will be appointed by the Council.
- 60.2 The Chair of the Policy and Performance Scrutiny Committee shall cease to hold office if a vote of no confidence, of which notice appears on the agenda, is carried at a meeting of full Council by a majority of the members of the whole Council.
- 60.3 The Council may appoint such a person as it considers appropriate as Chair.

61. AGENDA ITEMS FOR THE POLICY AND PERFORMANCE SCRUTINY COMMITTEE

- 61.1 Any member of the Policy and Performance Scrutiny Committee shall be entitled to give written notice at least 10 clear days before a meeting of the Policy and Performance Scrutiny Committee to the Proper Officer, that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request, if the Proper Officer concludes that the matter is so relevant, he/she shall ensure that it is included on the next available agenda.
- 61.2 The Policy and Performance Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it

appropriate, from the Executive, to review particular areas of Council activity. Where they do so, the Policy and Performance Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council.

62. POLICY REVIEW AND DEVELOPMENT

- 62.1 The role of the Policy and Performance Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 62.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Policy and Performance Scrutiny Committee and the other Scrutiny Committees may make proposals to the Executive and/or the Council for developments in so far as they relate to matters within their terms of reference.

63. REPORTS FROM THE POLICY AND PERFORMANCE SCRUTINY COMMITTEE

- 63.1 The Policy and Performance Scrutiny Committee may develop a protocol for the production of reports.
- 63.2 Reports from the Policy and Performance Scrutiny Committee and other Scrutiny Committees will be submitted within a reasonable time of their completion to the Proper Officer for consideration by the Executive.
- 63.3 The Executive shall produce a written response to the matters raised by the Policy and Performance Scrutiny Committee within a reasonable time of considering a report and the Proper Officer shall arrange for the Executive response together with a copy of the original Overview report, to be placed on the agenda of the next appropriate Executive meeting.
- 63.4 This rule shall not apply to matters referred to the Executive in accordance with the call-in procedure set out in Rules 66 or 67 of the Budget and Policy Framework Rules.

64. RIGHTS AND POWERS OF SCRUTINY AND REVIEW COMMITTEE MEMBERS

64.1 Rights to documents

- (a) In addition to their rights as councillors, members of the Policy and Performance Scrutiny Committee and Review Committees have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Policy and Performance Scrutiny Committee and other Scrutiny Committees, as appropriate, depending on the particular matter

under consideration.

64.2 Power to require members and officers to give account

(a) The Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions that fall within their terms of reference. As well as reviewing documentation, carrying out site visits, and conducting research, in fulfilling the scrutiny role it may require any member of the Executive, the Chief Executive and any first or second tier officer to attend before it, to explain in relation to matters within their remit:

(i) any particular decision or series of decisions;

(ii) the extent to which the actions taken implement Council policy; and/or

(iii) their performance;

and it is the duty of those persons to attend if so required. At the discretion of their chief officer, council officers below second tier may attend, usually accompanied by a senior manager.

(b) Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chair of that body will inform the member or Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Scrutiny Committee. Where the account to be given to the Scrutiny Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance, to take place within a maximum of 10 days from the date of the original request, unless it is possible to arrange for the attendance of an acceptable alternative.

(d) The Policy and Performance Scrutiny Committee (or the Children's Services Scrutiny Committee in the case of education matters) may decide that, for all meetings at which it considers matters which have been called in, the Executive member with portfolio responsibility for that matter, shall whenever reasonably practicable attend and in those circumstances, the requirement to give notice in accordance with paragraph 64.2(b) shall not apply.

65. ATTENDANCE BY OTHERS

- 65.1 A Scrutiny Committee may invite people other than those people referred to in paragraph 64.2 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear The from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is at their discretion, subject to 65.2 and 65.3 below.
- 65.2 An officer of a local NHS body may, on reasonable notice, be required to attend to answer in accordance with legislation.
- 65.3 Where the Policy and Performance Scrutiny Committee is considering a crime and disorder matter, it may require the attendance of an officer or employee of a crime and disorder partner organisation, to answer questions or to provide information in accordance with legislation.

66. CALL-IN PROCEDURE

- 66.1 When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the Town Hall normally within two working days of being made.
- 66.2 The notice will be dated and will specify that the decision will come into force and may then be implemented, on the expiry of three working days after the publication of the decision, unless the Proper Officer receives a valid notice of call-in within that time. Copies of the notice will be sent to all members.
- 66.3 Valid notice of call-in is one which:
- (a) is submitted by any five members of the Council (who, where the matter in question relates to the Council's education functions, may include co-opted members appointed in accordance with the terms of reference set out in Part 5 of these rules);
 - (b) gives reasons in writing for the call-in, together with a positive or additional course of action and states whether or not those members believe that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget; and
 - (c) is submitted to the Proper Officer within three working days of the date of the publication of the decision.
- 66.4 If no request is received, the decision is effective immediately after three working days have expired since the date upon which it was published.

- 66.5 On receipt of a valid notice of call-in, the Proper Officer will:
- (a) notify the decision taker, the Chief Executive and the relevant chief officer;
 - (b) if the request for the call-in states that the reason for it is that the decision is outside the budget or policy framework, refer it to the Monitoring Officer who shall decide whether this is the case; and
 - (c) refer the matter to the next scheduled meeting of the Policy and Performance Scrutiny Committee or the Children's Services Scrutiny Committee if the Decision is in respect of the council's education functions.
- 66.6 Following consideration of a matter, the Policy and Performance Scrutiny Committee (or Children's Services Scrutiny Committee) may either:
- (a) Refer the matter back to the decision taker for reconsideration with reasons for its request; or
 - (b) Conclude that it does not object to the decision in question in which case the decision shall take effect on the date of the Policy and Performance Scrutiny Committee meeting (or Children Services Scrutiny Committee); or
 - (c) If, following advice from the Monitoring Officer/Chief Finance Officer/Chief Executive that the decision, if implemented would be contrary to the policy framework or contrary to, or not wholly in accordance, with the budget, it shall refer the decision to the decision maker and ask the decision maker to reconsider the matter on the grounds that the original decision is contrary to the policy framework or contrary to, or not wholly in accordance with, the budget.
- 66.7 Where the matter is referred back to the decision taker in accordance with 66.6(c) above, the following process shall apply:
- (a) The decision maker shall reconsider the decision and shall either amend the original decision so that it is in accordance with the budget or policy framework as advised by the Monitoring Officer/Chief Finance Officer/Chief Executive or confirm that it does not intend to do so in which case the decision will be referred to Council for debate and decision;
 - (b) If the decision maker amends the decision, that decision shall take effect immediately and no further call-in is permitted;
 - (c) If the decision maker does not amend the decision, the Council must meet within 10 working days of the publication of confirmation of this fact. The decision maker must prepare a report to Council setting out the reasons why it wishes to take the decision notwithstanding the fact that, if implemented, it would be outside the budget or policy framework;
 - (d) At its meeting, Council may only proceed as provided for in paragraph 75.3;
 - (e) If a matter is referred back to the decision taker by Policy and Performance Scrutiny Committee, in circumstances where the Policy and Performance

Scrutiny Committee did not consider the decision to be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the decision taker may either amend its decision or choose not to do so. Its decision in this respect shall be final and no further call-in shall be allowed in respect of that matter.

67. CALL-IN AND URGENCY

- 67.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive, member of the Executive, Committee of the Executive or a Corporate Director/officer is urgent (or its implementation becomes urgent) or where the decision is a recommendation to Council in respect of a plan or strategy falling within the policy framework in Article 4.01 or in respect of the setting of the annual civic budget. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or public interest and it is not practicable for a quorate meeting of the Policy and Performance Scrutiny Committee to be convened and for any necessary reconsideration by the decision-taker to take place in compliance with the Access to Information rules.
- 67.2 The procedure to be followed where urgent decisions of the Executive, members of the Executive or officers are required shall be:
- (a) The Chief Executive shall determine that the matter is urgent on the basis of the definition in 67.1 above and that any decision on that matter cannot be called-in.
 - (b) The Chief Executive shall at the same time obtain the consent of the Chair of the Policy and Performance Scrutiny Committee to the matter being treated as urgent and call-in not applying.
 - (c) In the absence of the Chair of the Policy and Performance Scrutiny Committee, the consent of the Vice-Chair of the Policy and Performance Scrutiny Committee shall be required.
 - (d) Notice of the decision shall be published and shall include reasons why it is not practicable for a meeting of the Policy and Performance Scrutiny Committee to be convened and for any necessary reconsideration by the decision-taker to take place within the Access to Information rules.
 - (e) Any subsequent written report to the Executive, a member of the Executive or an officer, shall clearly state that the matter has been agreed as urgent and that call-in will not apply. Where it is necessary for the report to the Executive, member of the Executive or officer to be oral, the Executive shall be so informed at the commencement of any discussion on the item.
 - (f) Where (a) – (e) take place before the key decision has been taken, the fact that a matter had been determined as urgent and that call-in did not apply, shall be recorded in the minutes of the Executive meeting (or the record of the decision of the officer or member of the Executive).
 - (g) Where (a) – (e) take place after the key decision has been taken, the fact that a matter had been determined as urgent and that call-in did not apply,

shall be notified to all members of the Policy and Performance Scrutiny Committee.

68. MONITORING ARRANGEMENTS

The Proper Officer shall submit quarterly returns to Council detailing all those occasions on which either the call-in provisions were waived or a key decision was taken which had not appeared in the Forward Plan and in respect of which five clear working days notice had not been given, or both.

69. COUNCILLOR CALL FOR ACTION PROCEDURE

- 69.1 When a Councillor Call for Action (CCfA) is referred to the Policy and Performance Scrutiny Committee (or Children Services Scrutiny Committee) in accordance with the Councillor Call for Action Protocol in Part 6 of the Constitution, the following procedure shall apply. The Monitoring Officer shall be responsible for determining whether a matter is required to be referred to the Policy and Performance Scrutiny Committee (or Children Services Scrutiny Committee) under that protocol.
- 69.2 The referring Councillor and other Councillors representing the same ward will be invited to attend a meeting of the Policy and Performance Scrutiny Committee (or Children Services Scrutiny Committee) at which the CCfA is discussed, in order to make representations and answer questions. The relevant Executive member and senior officer will also be invited, if appropriate.
- 69.3 In deciding whether or not to take the matter further, the committee will consider:
- (a) Actions already taken by the Councillor in relation to the matter; and
 - (b) Representations made by the member as to why the committee should take the matter up.
- 69.4 The criteria the committee will use to decide whether or not to take the matter further include:
- (a) Is the committee satisfied that reasonable attempts at a resolution have been made by the ward councillor;
 - (b) Has the committee considered a similar issue recently and, if so, have the circumstances or evidence changed;
 - (c) Has the relevant service or partner agency been informed and been given enough time to resolve the issue and, if so, what response the Councillor has received;
 - (d) Is the matter currently being looked at by another form of local scrutiny such as the Local Involvement Networks?
- 69.5 If the committee decides not to take further action in respect of the referral, it must inform the Councillor and explain why.
- 69.6 If the committee decides to accept the referral, it must decide how it intends to take the matter further. It may:

- (a) Make an immediate report or recommendations to:
 - (i) the Executive or other relevant council body;
 - (ii) the Corporate Director of the relevant Council department; or
 - (iii) to any relevant partner organisation or other local organisation;
- (b) Request further information or evidence from the ward councillor;
- (c) Ask officers to look into the matter and report back;
- (d) Invite other local stakeholders to give evidence to a future meeting; or
- (e) In the case of the Policy and Performance Scrutiny Committee, refer the matter to a another Scrutiny Committee to undertake a more in depth review.

69.7 The Policy and Performance Scrutiny Committee or another Scrutiny Committee may make recommendations as provided for in 69.6 (a) following consideration by them under 69.6 (e).

69.8 If the matter is referred under 69.6 (a) (i) or (ii), the relevant body or person shall report back to the Policy and Performance Scrutiny Committee (or the Children's Services Scrutiny Committee) indicating any action that has been or is intended to be taken in respect of the recommendation, normally within 2 months and in the case of a crime and disorder matter, shall take the report or recommendation into account in exercising their functions.

69.9 Once the committee has completed its work on the referral, the member who made the referral will receive a copy of any report or recommendations made in relation to it.

69.10 In the case of a crime and disorder matter:

- (a) A copy of any report or recommendations under 69.6(a)(i) or (ii) above shall also be provided to the chief officer of police, the police and fire authorities, the probation board and the primary care trust ("the Council's crime and disorder partners").
- (b) If a report or recommendation is made to one of the Council's crime and disorder partners under 69.6(a)(iii), that partner will be notified that they are required to:
 - (i) consider the report or recommendations and to respond to the committee indicating what action, if any, it proposes to take, normally within one month; and
 - (ii) have regard to the report or recommendations in exercising their functions.

70. PROCEDURE AT POLICY AND PERFORMANCE SCRUTINY COMMITTEE MEETINGS AND MEETINGS OF OTHER SCRUTINY COMMITTEES

70.1 The Policy and Performance Scrutiny Committee shall consider the following business as appropriate:

- (a) Minutes of the last meeting;
- (b) Declarations of interest;
- (c) Consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
- (d) Responses of the Executive to reports of the committee; and
- (e) The business otherwise set out on the agenda for the meeting.

The order of business may be varied by the Chair.

70.2 Other Scrutiny Committee shall consider the following business as appropriate:

- (a) Minutes of the last meeting;
- (b) Declarations of interest;
- (c) The business otherwise set out on the agenda for the meeting.

70.3 Where the Policy and Performance Scrutiny Committee or other Scrutiny Committee has asked people to attend to give evidence at meetings, these are to be conducted in accordance with the following principles:

- (a) That the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees and to contribute and speak;
- (b) That those assisting the committee by giving evidence be treated with respect and courtesy;
- (c) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and
- (d) That appropriate assistance with translation or alternative methods of communication be provided to assist those giving evidence.

70.4 Following any investigation or review, the Policy and Performance Scrutiny Committee/Review Committee shall prepare a report for submission to the Executive and make its report and findings public (unless they relate to matters which in accordance with the Access To Information Procedure Rules, are confidential or exempt)

70.5 Each Scrutiny Committee agenda shall set aside time for questions from members of the public present at the meeting relating to any subject on the meeting agenda. There is no requirement to submit questions in advance but a question may be rejected if it:

- (a) is defamatory, frivolous or offensive;
- (b) requests the disclosure of information which is confidential or exempt; or
- (c) names, or clearly identifies, a member of staff or any other individual.

70.6 Paragraphs 38-54 of the Committee Procedure Rules apply to meetings of the Overview and Review Committees.

71. MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY COMMITTEE

Should there be any overlap between the business of Scrutiny Committees, then the Policy and Performance Scrutiny Committee is empowered to resolve the issue.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

72. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of the budget and policy framework as set out in Article 4. Once the framework is in place, it will be the responsibility of the Executive to implement it. Those provisions in these Budget and Policy Framework Procedure Rules which are mandatory standing orders under the Local Authorities (Standing Orders) Regulations 2000 and therefore cannot be deleted are indicated by an asterisk.

73. PROCESS FOR DEVELOPING THE POLICY FRAMEWORK

- 73.1 The Executive shall prepare the plans and strategies in the Policy Framework to be recommended, for adoption, to the Council.
- 73.2 The Executive may refer any such plan or strategy to be considered by the relevant Scrutiny Committee, prior to its being formally recommended for approval to full Council by the Executive in accordance with paragraphs 73.3 and 73.4 below.
- 73.3 Those plans or strategies which are not referred to be considered by a Scrutiny Committee, shall be considered by full Council at the appropriate time (bearing in mind any statutory deadlines for such plans). In considering such plans, Council shall have before it a report from the Executive that contains specific recommendations as to content.
- 73.4 In respect of those plans which the Executive has referred to a Scrutiny Committee, the Executive or officer shall prepare reports and recommendations for submission to the relevant committee in sufficient time (taking into account the timetable for the plans and strategies agreed by Council) for them to give proper consideration to the proposals and if they so wish to prepare a report to the Executive setting out their own proposals.
- 73.5 The Executive shall consider any report produced under 73.4 above and shall then make a report to Council recommending the adoption of the plan or strategy concerned (with or without any amendments or additions made as a result of the Scrutiny Committee report).
- 73.6 The Council may accept the recommendations made or resolve to adopt the plan or strategy, subject to any amendments it considers appropriate but in doing so, it shall have regard to the contents of any report prepared by a Scrutiny Committee.
- 73.7 Where the Council objects to or wants to amend the proposals then, before doing so, or approving them for the purpose of submission to the Secretary of State or Minister of the Crown for his or her approval, it must inform the Leader of any objections which it has to the draft plan, policy or strategy and must, unless the Leader agrees those amendments at that meeting, give instructions requiring the Executive to reconsider the proposals in the light of those objections.
- 73.8 Where the Council gives instructions in accordance with the preceding paragraph, it must specify a period of at least ten days beginning on the day after the date on which

the Leader receives the instructions on behalf of the Executive, within which the Leader may submit to Council for reconsideration either, a revised draft of the plan, policy or strategy together with the Executive's reasons for any amendments or, details of those aspects of the Council's objections that the Executive disagrees with and the reasons for any such disagreement.

- 73.9 When the period specified in the preceding paragraph has expired the Council must, when amending or adopting the plan, policy or strategy or approving it for the purpose of submission to the Secretary of State or Minister of the Crown for approval, take into account any amendments included in any revised draft plan, policy or strategy submitted by the Executive within the required period, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreement.

74. PROCESS FOR SETTING THE BUDGET

- 74.1 The Executive's initial proposals shall be referred to the Policy and Performance Scrutiny Committee. The Policy and Performance Scrutiny Committee shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration and having particular regard not to duplicate any consultation carried out by the Executive. The Policy and Performance Scrutiny Committee shall report to the Executive on the outcome of its deliberations. The Policy and Performance Scrutiny Committee shall have two weeks to respond to the initial proposals of the Executive, unless the Executive considers that there are special factors that make this timetable inappropriate. If it does, it will inform the Policy and Performance Scrutiny Committee of the time for response when the proposals are referred to it.

- 74.2 Having considered the report of the Policy and Performance Scrutiny Committee, the Executive, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the Policy and Performance Scrutiny Committee.

- 74.3* The Council will consider the proposals of the Executive and may (subject to Procedural Rule 74.4):

- (i) adopt them; or
- (ii) amend them; or
- (iii) refer them back to the Executive for further consideration;
- (iv) or substitute its own proposals in their place.

In considering the matter, the Council shall have before it, the Executive's proposals and any report from the Policy and Performance Scrutiny Committee.

- 74.4* If this consideration takes place before 8 February in any financial year and if following consideration of the proposals, the Council has any objections to them, before making its decision, it shall inform the Leader of the objections and instruct the

Leader to require the Executive to reconsider its proposals in the light of those objections, in which case the following requirements shall apply;

- i the Council shall specify a period of at least ten days, beginning on the following day, within which the Leader may:
 - a. submit revised proposals to the Council with the Executive's reasons for any amendments made to the estimates or amounts in the proposals; or
 - b. inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- ii When the period specified by the Council has expired, the Council must, when considering the Executive's proposals, take into account;
 - a. any amendments to the estimates or amounts that are included in any revised proposals and the Executive's reasons for those amendments;
 - b. any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreementof which the Leader has informed the Council.

74.5 Voting at the Council's budget setting meeting shall be recorded as set out in Rule 24.6

75. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

75.1 Subject to paragraph 76 of these rules, the Executive, committees of the Executive, individual members of the Executive and any officers, or jointly constituted bodies discharging Executive functions, may only take decisions which are not contrary to the policy framework or contrary to, or not wholly in accordance with the budget. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may only be taken by the Council.

75.2 If the Executive, committees of the Executive, individual members of the Executive and any officers, or jointly constituted bodies discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Executive and Chief Finance Officer, as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of any of those officers is, that the decision would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 76 shall apply.

75.3 If the matter is referred to Council, Council may either:

- (a) Endorse a decision or proposal of the Executive decision taker as being in accordance with the existing budget and policy framework. In this case no

further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way and decision will take effect immediately; or

- (b) Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to, or not wholly in accordance with, the budget, but does not object to it, it can take the decision itself. In those circumstances, the decision will come into effect on the passing of a resolution to that effect; or
- (c) Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to, or not wholly in accordance with, the budget and does object to it, it may resolve that the decision not be taken. Such a resolution shall not prevent the Executive from reconsidering the matter and later taking a decision in respect of it, which is not contrary to the policy framework or contrary to or not wholly in accordance with the budget.

76. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 76.1 The Executive, a committee of the Executive, an individual member of the Executive or officers, or jointly constituted bodies discharging Executive functions may take a decision, which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council, if the decision is a matter of urgency. A decision will be urgent, if any delay in taking it would seriously prejudice the Council's or the public interests and it is not practicable to convene a quorate meeting of the full Council within the Access to Information Rules.
- 76.2 The Chair of the Policy and Performance Scrutiny Committee must agree, in writing, that the decision must be taken as a matter of urgency. In the absence or inability to act of the Chair, the consent of the Mayor, or in his or her absence, or inability to act, the Deputy Mayor, shall suffice. The reasons why it is not practical to convene a quorate meeting of full Council and the consent to the decision being taken as a matter of urgency, must be noted on the record of the decision.
- 76.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

77. VIREMENT

- 77.1 In approving the budget and policy framework or any part of it, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework (or the relevant part of it as the case may be) which may be undertaken by the Executive, in accordance with paragraphs 77 and 78 of these Rules (virement and in-year adjustments), subject to paragraphs 77.2 and 77.3 below. Any other changes to the budget and policy framework are reserved to the Council.
- 77.2 Chief officers are authorised to vire budget provision between budget heads within their departments, subject to limitations set out in the Financial Regulations, contained within Part 6.

77.3 The Executive may at any time during the financial year and after considering a report of the Chief Finance Officer, make changes to the revenue and capital budgets in accordance with the Financial Regulations contained within Part 6.

78. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council and decisions by the Executive, a committee of the Council, member of the Executive or officers, or jointly constituted bodies discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by the Executive, a committee of the Executive, member of the Executive or officers, or jointly constituted body discharging Executive functions, except where Council has agreed this at the time of agreeing the budget or relevant policy or strategy.

ACCESS TO INFORMATION PROCEDURE RULES

79. SCOPE

- 79.1 These rules apply to all meetings of the Council, the Policy and Performance Scrutiny Committee and other committees and sub-committees, public meetings of the Executive and any committee of the Executive and meetings called for the purposes of individual member decision making (all referred to as “meetings” in these Rules).
- 79.2 Rules 91-95 only apply when the Executive, a committee of the Executive or an individual is taking Key Decisions.

NOTE: The Access to Information rules set out below are in addition to any rights which members of the public may enjoy under the Freedom of Information legislation.

80. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

81. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings and report on them (including by filming, photographing or making an audio recording) using any communication method at or after a meeting to publish, post or otherwise share their reporting subject only to the exceptions in these rules and will be afforded reasonable facilities for reporting so far as practicable. This will not include oral reporting or commenting by someone present at a meeting.³

82. NOTICES OF MEETINGS

The Council will give at least five clear working days notice of any meeting by publishing details of the meeting at the Town Hall and on the Council website. For the purposes of calculating the notice period, the day on which notice is given and the day of the meeting shall be disregarded.

83. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 83.1 Subject to paragraph 83.4 below, no decision shall be taken at a meeting unless it is included on the agenda for that meeting and is accompanied by a report from the appropriate officer or, in the case of meetings of the Executive, from either the appropriate officer or Executive member. Where the report is from an Executive member, it must state any advice received from officers.
- 83.2 All agendas and reports will be published at least five clear working days before the meeting at the Town Hall and on the Council website unless the report relates to a confidential matter or is exempt under these Access to Information Rules.
- 83.3 If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are

prepared after the summons has been sent out, the Proper Officer shall make each such report available to the public as soon as the report is completed and sent to members.

- 83.4 If a report is not published five clear working days before a meeting, the item to which it relates may not be considered at that meeting unless the Chair of the meeting agrees that, by reason of special circumstances, the item should be considered as a matter of urgency. Where this is the case, the special circumstances requiring the item to be considered urgently shall be specified in the minutes.

84. SUPPLY OF COPIES

84.1 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

85. ACCESS TO MINUTES ETC AFTER THE MEETING

85.1 The Council will make available copies of the following, for six years after a meeting:

- (a) The minutes of the meeting and records of decisions taken, together with reasons, for all meetings covered by these rules, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) The agenda for the meeting; and
- (d) Reports relating to items when the meeting was open to the public.

86. BACKGROUND PAPERS

86.1 List of background papers

The Proper Officer will ensure that every report contains a list of those documents (called background papers) and, where possible, their locations on the Council's website relating to the subject matter of the report, which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and

- (b) have been relied on to a material extent in preparing the report, but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 88)

86.2 Public inspection of background papers

Background papers referred to on the list in a report for a meeting of the Executive or a committee of the Executive shall be made available on the council's website at the same time as the report to which they relate is published under rule 83.

The Council will make available for public inspection for four years after the date of the meeting, one copy of each of the documents on the list of background papers in all reports.

87. SUMMARY OF PUBLIC RIGHTS

These rules are the written summary of the public's rights to attend meetings and to inspect and copy documents. They are kept at and are available to the public at the Council's main offices and on its website.

88. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

88.1 Confidential information – requirement to exclude public

The public must be excluded from meetings, whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed. Non Executive members of the Council shall be entitled to remain at Executive meetings where decisions are being taken, unless the Proper Officer advises that this would be inappropriate.

88.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed. Non Executive members of the Council shall be entitled to remain at Executive meetings where decisions are being taken, unless the Proper Officer advises that this would be inappropriate. Where the public are excluded from a meeting in accordance with paragraph 88.2 or 88.3 they are also prohibited from reporting on the meetings using any means which can be used with their presence at the meeting to enable persons not present to see or hear the proceedings at the meeting as it takes place or subsequently.⁴

88.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order or by law.

88.4 Meaning of exempt information

Exempt information means information falling within schedule 12A of the Local Government Act 1972 and which is summarised below and set out in more detail in Appendix 5.

- (a) Information relating to an individual;
- (b) Information which is likely to reveal the identity of an individual;
- (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information);
- (d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority;
- (e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
- (f) Information which reveals that the authority proposes -
 - (i) to give under any enactment, a notice under or by virtue of which, requirements are imposed on a person; or
 - (ii) to make an order or direction under any enactment;
- (g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime;

Information falling within the above paragraphs is not exempt by virtue of that paragraph, if it relates to proposed development, for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

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.

88.6 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.

89. PROCEDURE BEFORE EXECUTIVE MEETINGS FROM ALL OR PART OF WHICH THE PUBLIC MAY BE EXCLUDED

- 89.1 Where in the opinion of the Proper Officer it is likely that the public will be excluded under Rule 88 for all or part of a meeting of the Executive or a committee of the Executive, at least 28 clear days before the meeting notice will be published at the Town Hall and on the Council's website (normally in the council's Forward Plan) giving details of the meeting and the reasons why it is intended that the public be excluded from all or part of it.
- 89.2 At least 5 clear days before the meeting, if it is still intended that the public be excluded under Rule 88 for all or part of it, a further notice will be published at the Town Hall and on the Council's website giving details of the meeting and the reasons why it is intended that the public be excluded from all or part of it. This notice shall also give details of any representations that have been received about why the meeting, or that part of the meeting, should be held in public and a statement in response to the representations.
- 89.3 The public may not be excluded from a meeting of the Executive or a committee of the Executive if 89.1 and 89.2 have not been complied with unless the meeting must be held by such a date that it is impracticable to comply with 89.1 and 89.2 and the agreement of the Chair of the Policy and Performance Scrutiny Committee that the meeting is urgent and cannot be reasonably deferred has been obtained. If there is no such person or the Chair of the Policy and Performance Scrutiny Committee is unable to act, then the agreement of the Mayor shall be obtained. If there is no Mayor, or the Mayor is unable to act, the agreement of the Deputy Mayor will suffice.
- 89.4 As soon as reasonably practicable after the obtaining of agreement under Rule 89.3 a notice setting out the reasons the meeting is urgent and cannot be reasonably deferred shall be published at the Town Hall and on the Council's website.

90. PROCEDURE BEFORE TAKING KEY DECISIONS

90.1 Subject to Rules 92 and 93, a key decision as defined in Article 13 may not be taken by the Executive or a committee of the Executive unless:

- (a) Notice of the decision has been given in accordance with Rule 91; and
- (c) Notice of the meeting has been given in accordance with Rule 83.

90.2 Officer decisions

- (a) It is the responsibility of the relevant Corporate Director to determine, in respect of Executive decisions to be taken by officers, whether these will be key decisions
- (b) A key decision may not be taken by an officer unless notice of the decision has been given in accordance with Rule 91
- (c) All officers must follow the Protocol for Key Decisions contained in the Council's "Guide to Decision Making" approved by the Monitoring Officer.

90.3 Individual Executive Member Decisions

A key decision may not be taken by an individual member of the Executive unless notice of the decision has been given in accordance with Rule 91.

91. NOTICE OF KEY DECISIONS

91.1 No key decision may be made unless notice of the decision has been published at the Town Hall and on the Council website at least 28 clear days previously containing the following information concerning the key decision:

- (i) That a key decision is to be made
- (ii) The matter in respect of which a decision is to be made;
- (iii) Where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and details of membership;
- (iv) The date on which, or the period within which, the decision will be taken;
- (v) A list of the documents submitted to the decision taker for consideration in relation to the matter.
- (vi) the address from which copies of all or part of those documents (unless Rule 85.1(a) applies to them) are available
- (vii) That other relevant documents may be submitted to the decision maker

91.2 Where any matter involves the consideration of exempt information (as defined in paragraph 88.4 above), confidential information (as defined by paragraph 88.3 above) a summary of the matter shall be included in the notice but the exempt or confidential information or the advice, as the case may be, need not be included.

92. GENERAL EXCEPTION

- (a) If a matter which is likely to be a key decision, including a key decision by an officer, has not been included in a notice under Rule 91 the decision may still be taken if:
 - (i) The decision must be taken by such a date that it is impracticable to defer the decision until it has been included in a notice under Rule 91;
 - (ii) The Proper Officer has given the Chair of the Policy and Performance Scrutiny Committee (or if there is no such person, each member of the Policy and Performance Scrutiny Committee) written notice of the matter in respect of which the decision is to be made;
 - (iii) The Proper Officer has made copies of that notice available to the public at the offices of the Council and on its website; and
 - (iv) At least five clear days have elapsed since the Proper Officer complied with (ii) and (iii).

- (b) As soon as reasonably practicable after Rule 92(a) has been complied with the Proper Officer will publish a notice at the Town Hall and on the council's website setting out the reasons why compliance with Rule 91 is impracticable.

93. URGENT DECISIONS

- 93.1 If by virtue of the date by which a decision must be taken, Rule 92 cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the Policy and Performance Scrutiny Committee that the making of the decision is urgent and cannot be reasonably deferred. If there is no such person or the Chair of the Policy and Performance Scrutiny Committee is unable to act, then the agreement of the Mayor shall be obtained. If there is no Mayor, or the Mayor is unable to act, the agreement of the Deputy Mayor will suffice.
- 93.2 As soon as reasonably practicable after 93.1 has been complied with the Proper Officer will publish a notice at the Town Hall and on the council's website setting the reasons why the decision is urgent and cannot reasonably be deferred...

94. REPORTS TO COUNCIL

94.1 When the Policy and Performance Scrutiny Committee can require a report

- (a) If the Policy and Performance Scrutiny Committee thinks that a key decision has been taken by the Executive or a key decision has been taken by an officer which was not:
 - (i) Included in a notice under Rule 91; or
 - (ii) The subject of the general exception procedure under Rule 92; or
 - (iii) The subject of an agreement with the Policy and Performance Scrutiny Committee Chair, or the Mayor under Rule 93;

the committee may require the Executive or officer to submit a report to the Council, within such reasonable time as the committee specifies.

- (b) Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the resolution of the committee, then the report may be submitted to the meeting after that.

- (c) The report to Council will set out:
 - (i) particulars of the decision (including the reasons for it);
 - (ii) the identity of the decision taker; and
 - (iii) if the Executive is of the opinion that it was not a key decision the reasons for that opinion.

Annual report

(d) The Leader will report annually to the council details of each Executive decision since the last such report where the decision was agreed as urgent, giving particulars of the decision made and a summary of the matters in respect of which each decision was made.

95 DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

95.1 Application

- (a) It is not envisaged that individual members of the Executive will take decisions as these will be taken by the Executive as a whole. The only exception to this is in relation to those social services functions exercised jointly with the Islington CCG (known as NHS Islington) pursuant to Section 75 of the Health Service Act 2006. The Executive member with portfolio responsibility for Health and Adult Social Services shall be entitled to take decisions on an individual basis.
- (b) Where these decisions are key decisions or recordable executive decisions as defined in Appendix 6 of the Constitution, the relevant provisions of the Access to Information Procedures, Rules and Scrutiny Rules shall apply. The fact that the Executive member is entitled to take decisions in these circumstances shall not prevent the whole Executive from choosing to take the decision itself.

95.2 Decisions to be taken in public

- (a) Where an individual member is taking a key decision or recordable executive decisions, those decisions will be taken in public (subject to Rule 88 - exclusion of access by the public to meetings) and will be subject to the same rules as for the full Executive.

95.3 Reports intended to be taken into account

- (a) Where an individual member of the Executive receives a report which he/she intends to take into account in making any decision, then he/she will not make the decision until at least five clear days after that report has been available for public inspection.
- (b) Upon receipt of such a report, the individual member shall ensure that the Proper Officer makes the report publicly available, that a list of background papers is included and sufficient copies of those papers are available or that facilities exist for the production of them.

95.4 Provision of copies of reports to the Policy and Performance Scrutiny Committee

On giving of such a report to an individual member, the person who prepared the report will give a copy of it to members of the Policy and Performance Scrutiny Committee as soon as reasonably practicable.

96. RECORD OF DECISIONS

96.1 After any meeting of the Executive or any of its committees at which decisions are taken, the Proper Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include:

- (i) the decision including the date it was made;
- (ii) the reasons for the decision;
- (iii) details of any alternative options considered and rejected at the meeting at which the decision was made;
- (iv) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and;
- (v) in respect of any declared conflict of interest, a note of the dispensations granted by Full Council and the Chief Executive.

96.2 Record of individual decisions

(a) As soon as reasonably practicable after a key decision or an individual executive member recordable executive decision as defined in Appendix 6 of the Constitution has been taken by an individual member of the Executive, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision. The Proper Officer will make the record available at the Town Hall and on the council's website. The record shall include:

- (i) the date it was made;
- (ii) the reasons for the decision;
- (iii) details of any alternative options considered and rejected by the member when making the decision;
- (iv) any conflict of interest declared by any executive member who is consulted by the decision making member which relates to the decision; and
- (v) in respect of any such declared conflict of interest, a note of the dispensations granted by Full Council and the council's Chief Executive.

(b) Members taking individual decisions will do so in the presence of the Proper Officer at the appointed date and time. The provisions of Rules 85 and 86 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political assistant (if any).

(c) It is the responsibility of the relevant Corporate Director to determine, in respect of decisions taken by officers, whether these are key decisions or officer recordable executive decisions (as defined in Appendix 6 of the Constitution).

(d) As soon as reasonably practicable after an officer has made a key decision or a recordable executive decision the officer must produce and send to the Proper Officer to be made available at the Town Hall and on the council's website a record of the decision which must include:

- (i) the date it was made;
- (ii) the reasons for the decision;

- (iii) details of any alternative options considered and rejected by the officer when making the decision;
- (iv) any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and
- (v) in respect of any such declared conflict of interest, a note of the dispensations granted by Full Council and council's Chief Executive.

EXCEPT THAT this paragraph shall not apply in respect of non-executive decisions where legislation other than the Openness of Local Government Bodies regulations 2014 requires the decision and the information in (e) (i) and (ii) to be recorded.⁵

- (e) This paragraph does not require the disclosure of exempt or confidential information or advice from a political assistant (if any).

97. RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS

97.1 Material relating to business at public meetings

- (a) All members will be entitled to inspect, at least 5 clear days before the meeting, any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business to be transacted at a public meeting of the Executive unless:
 - (i) It contains exempt information falling within the following paragraphs of Schedule 12A of the Local Government Act 1972:
 - 1 – Information relating to any individual
 - 2 – Information which is likely to reveal the identity of an individual
 - 4 – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
 - 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
 - (ii) It contains the advice of a political adviser, if any;
 - (iii) The document is in draft form.
- (b) As prescribed by legislation, all members will be entitled to inspect, at least 5 clear days before the meeting, any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business to be transacted at a public meeting of the Executive, which contains the following categories of exempt information falling within the following paragraphs of Schedule 12A of the Local Government Act 1972:

- 3 - Information relating to the financial or business affairs of any particular person, including the authority holding that information (providing that, if the information relates to the award of a contract, the negotiations are concluded)

- 6 - Information which reveals that the authority proposes -
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment

97.2 Material relating to private meetings or parts of meetings

- (a) Subject to (c) below all members of the Council will be entitled to inspect any document in the possession or under the control of the Executive or its committees which contains material relating to:
 - (i) any business which has been transacted in a meeting or part of a meeting of the Executive;
 - (ii) any decision which has been made by an individual member; or
 - (iii) any recordable executive decision which has been made by an officer.
- (b) The right contained in paragraph (a) arises when the meeting concludes or, in the case of an individual Executive member or officer decision, immediately after the decision has been made and the document shall be made available within 24 hours.
- (c) Members of the Council will not be entitled under this paragraph to:
 - (i) Any document that is in draft form;
 - (ii) Any part of a document that contains exempt information falling within the following paragraphs of Schedule 12A of the Local Government Act 1972:
 - 1 – Information relating to any individual
 - 2 – Information which is likely to reveal the identity of an individual

 - 4 – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority

 - 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

 - 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime; or;
 - (iii) The advice of a political adviser or any person acting in that capacity, if any.

- (d) Members of the Council will be entitled under this paragraph to any part of a document that contains exempt information falling within the following paragraphs of Schedule 12A of the Local Government Act 1972:

3 - Information relating to the financial or business affairs of any particular person, including the authority holding that information (providing that, if the information relates to the award of a contract, the negotiations are concluded)

6 - Information which reveals that the authority proposes –
(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
(b) to make an order or direction under any enactment

97.3 Nature of rights

These rights of a member are additional to any other right he/she may have.

97.4 Further details

Further detail of the exempt information requirements is set out at Appendix 5 of the Constitution.

98. ADDITIONAL ACCESS TO DOCUMENTS FOR POLICY AND PERFORMANCE SCRUTINY AND OTHER SCRUTINY COMMITTEES

98.1 In addition to the rights of access granted to all members set out in Procedure Rule 97, members of the Policy and Performance Scrutiny Committee and any other Scrutiny Committee have certain additional rights of access to documents which contain material relating to:

- (i) Any business which has been transacted at a meeting of the Executive while it is open to the public or its committees;
- (ii) Any decision which has been taken by an individual member of the Executive; or
- (iii) Any decision which has been made by an officer.

98.2 Members of the Policy and Performance Scrutiny Committee and any other Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive or its committees which contains exempt or confidential information, providing that the information is relevant to an action or decision they are formally reviewing or scrutinising or intend to scrutinise, subject to rule 98.3 below.

- 98.3 The member will need to demonstrate to the Proper Officer that the information requested is relevant and the Proper Officer shall take a decision as to whether the information should be made available, supplying reasons as appropriate.
- 98.4 If the information is to be made available, the document shall be provided as soon as reasonably practicable and in any event no later than 10 clear days after the Proper Officer receives the request from the member concerned

OFFICER EMPLOYMENT PROCEDURE RULES

99. INTRODUCTION

- 99.1 In these rules, references to heads of service shall include references to Directors and Heads of Services and to all those other senior officers who with respect to most or all of their duties, report directly to Corporate Directors or to the Chief Executive.
- 99.2 For the purposes of these rules, “disciplinary action” shall mean any action occasioned by alleged misconduct which, if proved, would according to the usual practices of the authority, be recorded on the officer’s personal file and includes any proposal for the dismissal of an officer for any reason other than redundancy, permanent ill health or infirmity of mind or body but does not include a failure to renew a fixed term contract unless the authority has undertaken to renew such a contract.
- 99.3 Subject to the provisions of these rules, the appointment and dismissal of officers must be discharged by the Chief Executive or the Corporate Director of the department in which that officer is employed. Corporate Directors may authorise Services Directors, Heads of Service and Service Managers in their department or division to exercise the function of appointing and dismissing staff to officers within their departments, provided that to do so, complies with any applicable personnel policies and procedures. The Chief Executive shall have the power to dismiss Corporate Directors, subject to paragraphs 101 and 102 below.

100. APPOINTMENT OF THE CHIEF EXECUTIVE AND CHIEF AND DEPUTY CHIEF OFFICERS

- 100.1 Where the Council is proposing appointing a new Chief Executive or Corporate Director (save on an interim basis) and it is not proposed that the appointment be made exclusively from among their existing Officers:
- (a) a statement shall be drawn up specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed; and
 - (b) arrangements shall be made for that post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) a copy of any statement drawn up in accordance with paragraph (a) above shall be sent to any person on request.

Such appointments will be made in accordance with a protocol agreed by the Monitoring Officer from time to time and in the case of the appointment of the Director of Public Health must be made acting jointly with the Secretary of State.

- 100.2 Where a post has been advertised in accordance with the preceding paragraph, the Personnel Sub-Committee shall interview all qualified candidates for the post, if appropriate having first selected a shortlist of such candidates. For these purposes, the Personnel Sub-Committee shall include at least one member of the Executive.

- 100.3 Where no qualified person has applied, further arrangements shall be made to advertise the post.
- 100.4 In the case of the Chief Executive, the Personnel Sub-Committee shall recommend any preferred candidate to a meeting of the whole Council and no offer of appointment shall be made to any person until the Council has approved such an appointment.
- 100.5 The Personnel Sub-Committee shall also be responsible for the appointment (save on an interim basis) of Corporate Directors exclusively from existing officers and of all Director posts, in each case unless direct assimilation without competition applies under the applicable organisational change procedures.
- 100.6 No offer of appointment of the Chief Executive or a Corporate Director, (or any senior officer reporting directly to them), or Director shall be made until:
- (a) the Council (in the case of the Chief Executive), sub-committee or officer proposing to make the offer (“the Appointer”) has notified the Proper Officer of the name and any relevant particulars of the proposed appointee; and
 - (b) the Proper Officer has notified every Executive member of the authority of the name and relevant particulars of the proposed appointee and the period in which any objection (“the objection period”) to the making of an offer of appointment is to be made by the Leader on behalf of the Executive and either:
 - (i) the Leader has, within the objection period, notified the appointer that neither he/she nor any executive member has any objection to the making of an offer; or
 - (ii) the Proper Officer has notified the appointer that no objection was received within the objection period; or
 - (iii) the appointer is satisfied that any objection is not material or is not well-founded.

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.

101.3 No notice of dismissal (whether for misconduct, incompetence, redundancy or otherwise) shall be given to any Corporate Director, Director or Head of Service until:

- (a) the Council (in the case of the Chief Executive), sub-committee or officer proposing the dismissal (“the dismissor”) has notified the Proper Officer of the name and any relevant particulars of the officer whom it is proposed to dismiss; and
- (b) the Proper Officer has notified every Executive member of the authority of the name and relevant particulars of officer whom it is proposed to dismiss and the period in which any objection (“the objection period”) to the proposed dismissal is to be made by the Leader on behalf of the Executive; and either
- (c) the Leader has, within the objection period, notified the dismissor that neither he/she nor any Executive member has any objection to the proposed dismissal; or
- (d) the Proper Officer has notified the dismissor that no objection was received within the objection period; or
- (e) the dismissor is satisfied that any objection is not material or is not well-founded.

101.4 Where a Corporate Director, Director or Head of Service has a contractual right of appeal to elected members, that right shall be in addition to the process set out above and shall accrue once notice of dismissal has actually been given. The right of appeal shall lie to the Personnel Sub-Committee which for these purposes shall include at least one member of the Executive. The fact that the Executive member concerned may have been involved in the process set out above, shall not preclude him or her from hearing the appeal. The provisions of this paragraph do not apply to the Chief Executive, the Monitoring Officer and the S151 officer who shall be treated in accordance with a procedure complying with paragraph 102 below and all relevant statutory and contractual provisions.

102. ADDITIONAL PROVISIONS IN RELATION TO THE CHIEF EXECUTIVE, MONITORING OFFICER AND SECTION 151 OFFICER

102.1 In this Rule:

- (a) “local government elector” means a person registered as a local government elector in the register of electors in the council’s area in accordance with the Representation of the People Acts;
- (b) “the Panel” means a committee appointed by the council under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (c) “relevant meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer; and

- 102.2 The Chief Executive, Chief Finance Officer and Director of Law and Governance, may not be dismissed by the council unless the procedure set out in this Rule has been complied with.
- 102.3. The council must invite relevant independent persons (that is persons appointed under section 28(7) of the Localism Act 2011 in respect of member conduct issues) to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 102.4. In Rule 103.3 “relevant independent person” means any independent person who has been appointed by the council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the council considers appropriate.
- 102.5 Subject to paragraph 103.6, the council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—
- (a) a relevant independent person who has been appointed by the council and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the council;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- 102.6. The council must appoint any Panel at least 20 working days before the relevant meeting.
- 102.7 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the council must take into account, in particular:
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- 102.8 Any independent person appointed to the Panel shall be entitled to the same allowances and expenses as they are entitled to in respect of their role as independent person under the 2011 Act.

103. ASSISTANTS FOR POLITICAL GROUPS

- 103.1 No appointment shall be made to a post established by the authority pursuant to Section 9 of the Local Government and Housing Act 1989 (assistants for political groups) (referred to in this Standing Order as a “political assistant post”), until the Council has allocated a political assistant post to each of the political groups which qualify for one under that section.
- 103.2 No political assistant post shall be allocated by the Council to a political group which does not qualify for one, under Section 9 of the Local Government and Housing Act 1989.
- 103.3 No political group shall be allocated more than one political assistant.

104. FILLING OF STAFF VACANCIES – RELATIVES OF MEMBERS OR OFFICERS AND CANVASSING

- 104.1 A candidate for any appointment to the staff of the Council who knows that he/she is related to any member or officer of the Council shall, when making application, disclose that relationship in the application. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice. Every member and officer of the Council shall disclose to the Chief Executive any relationship known to exist between such a member or officer and any person whom they know to be a candidate for an appointment under the Council, and the Chief Executive shall forthwith report such disclosure to the committee, sub-committee or person making the appointment.
- 104.2 For the purpose of this rule, persons shall be deemed to be related if they are husband and wife or cohabitee or, if either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse or cohabitee of the other.

PART 5

TERMS OF REFERENCE

EXECUTIVE AND COMMITTEES OF THE EXECUTIVE

SCRUTINY COMMITTEES

OTHER COUNCIL COMMITTEES AND SUB-COMMITTEES

JOINT COMMITTEES

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INTRODUCTION

- The Council and the Executive have determined that their functions may be discharged by committees, sub-committees and joint committees as set out below.

Council Committees

- The Council has appointed the following committees:
 - Standards Committee
 - Audit and Risk Committee
 - Employment and Appointments Committee
 - Pensions Committee
 - Planning Committee
 - Policy and Performance Committee (which is designated as the Council's crime and disorder committee)
 - Health and Care Scrutiny Committee
 - Housing Scrutiny Committee
 - Children's Services Scrutiny Committee
 - Environment and Regeneration Scrutiny Committee
 - Health and Wellbeing Board
 - Licensing Committee
 - Licensing Regulatory Committee

Sub-Committees

- The Licensing Committee has appointed four sub-committees
- The Planning Committee has appointed two sub-committees

Committee of the Executive

- The Executive has established a Voluntary and Community Sector Committee

Political Balance

The rules on political balance will apply to all committees and sub-committees except the Licensing Committee and its sub-committees, the Health and Wellbeing Board and the Voluntary and Community Sector Committee, the political membership of which shall be as set out in their terms of reference.¹

Joint Committees

¹ These rules do not currently apply as the council is not divided into 2 or more political groups

A number of joint committees have been established with other London Boroughs under the umbrella of London Councils. The London Councils' Leaders Committee and the Transport and Environment Committee exercise executive and non-executive functions. The Grants Committee exercises Executive functions. The terms of reference and make up of these committees and sub-committees are described below.

EXECUTIVE

Composition

The Executive will consist of the Leader together with such other number of councillors (being not fewer than two or more than nine) as the Leader may determine. The number is currently eight.

Quorum

The quorum for a meeting of the Executive shall be four.

Executive Functions

The Executive is responsible for the discharge of all the functions of the authority which are not included in Appendix 2(i) or designated as non-Executive functions in Appendix 2(ii). Where these functions are delegated to another decision-maker in this Constitution, that decision-maker may nonetheless refer the matter to the Executive itself for decision.

VOLUNTARY AND COMMUNITY SECTOR COMMITTEE

Composition

- The Leader
- The Executive member for Community Development
- The Executive member for Housing and Development
- The Executive Member with responsibility for Arts and Culture

Substitute members:

Executive members for Health and Care; Economic Development; Environment and Transport; and Finance, Performance and Community Safety

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 off the Islington Community Fund including:
 - a. allocating the 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.
3. To receive updates on the allocation of funding by the Islington Community Chest Panel
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.

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.
6. To approve the annual budget proposed for the London Councils Grants Committee.
7. To make an annual report to the Policy and Performance Scrutiny Committee on its activities.

HEALTH AND WELLBEING BOARD

Composition

- Leader of the Council
- Executive Member for Health and Social Care
- Executive Member for Children, Young People and Families
- One elected Governing Body member, North Central London Integrated Care Board;
- One Executive Director, North Central London Integrated Care Board, or their nominated representative
- Director of Adult Social Care
- Corporate Director of Children's Services
- Director of Public Health
- Health Watch representative (one member)
- Local NHS Commissioning Board representative (non-voting)
- The Camden and Islington NHS Trust (non-voting)
- The Whittington NHS Trust (non-voting)
- Voluntary Sector representative (non-voting)
- Islington GP Federation representative (non-voting)

The Board will be chaired by the Leader of the Council.

A deputy may be appointed in respect of each member who may attend the meeting subject to the agreement of the Chair.

The Council may appoint additional persons to the Board provided it has first consulted with the Board.

The Board shall be entitled to appoint additional persons as non-voting co-opted members of the Board.

The Board may arrange for any of its functions to be delegated to a sub-committee of the Board, or exercised jointly with other Health and Wellbeing Boards in accordance Section 198 of the Health and Social Care Act 2012. The Board may enter into joint committee arrangement with other London Borough's Health and Wellbeing Boards in respect of any or all of its functions.

Quorum

The quorum for a meeting of the committee shall be 4 members including one CCG representative and one councillor.

Terms of Reference

1. To improve the health and wellbeing of the population of Islington by undertaking all duties imposed by the Health and Social Care Act 2012 on a Health and Wellbeing Board including to:

- Oversee development of and agree a Joint Strategic Needs Assessment (JSNA) and to ensure that commissioning plans that relate to health and wellbeing pay due regard to local needs and priorities identified in the JSNA.
 - Oversee development of and agree a Joint Health and Wellbeing Strategy (JHWS)
 - Provide steer and oversight of commissioning plans that relate to health and wellbeing including in some instances devolved responsibility from the NHS Commissioning Board for specialised services
 - Ensure an integrated approach to commissioning across NHS, public health and other Council services to increase efficiency and secure best use of resources, deliver better services and ultimately improve health and well-being outcomes
 - Provide advice assistance and support for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
 - Ensure best use of resources through collaborative working, pooled budgets and joint commissioning of services
 - Maintain an overview of and account for improvement in and attainment of key public health outcomes in the NHS, Public Health, and Adult Social Care Outcome Frameworks.
 - Consider the wider determinants of health, including housing, education and the environment and the existing public health functions within the local authority to ensure an integrated response to tackling health and wellbeing priorities and inequalities.
 - Have a formal role in authorising Clinical Commissioning Groups and in their annual assessment.
2. To agree operational protocols and an annual work programme for the Board.
 3. To ensure that the JSNA and JHWS inform and underpin the Corporate Plan in Islington, and wider Council strategies.
 4. To link the work of the Board to the Islington Fairness Commission and successor arrangements.
 5. To have oversight of emergency preparedness for health matters in the borough

STANDARDS COMMITTEE

Composition

The Standards Committee shall comprise four members.

(Independent Persons have been appointed by the council under the Localism Act 2011. Although not members of the Committee the Independent Persons are invited to attend meetings of the committee as observers.)

Quorum

The quorum of the committee shall be three members.

Terms of Reference

- 1 To advise the Council on a local Code of Conduct for members.
- 2 To decide, if requested to do so by the Monitoring Officer, whether complaints that a member of the Council has failed, or may have failed, to comply with the Council's Members' Code of Conduct should be investigated.
- 3 To hear complaints that a member of the Council has failed, or may have failed, to comply with the Council's Members' Code of Conduct that have been referred to them by the Monitoring Officer pursuant to the Code of Conduct Complaints Procedure.
- 4 To agree relevant procedures for hearing complaints that a member of the Council has failed, or may have failed, to comply with the Council's Members' Code of Conduct;
5. To receive the Annual report on Member Standards and Conduct.
6. To consider requests for dispensations from all members in respect of statutory and non-statutory disclosable interests.

AUDIT AND RISK COMMITTEE

Composition

The membership of the committee shall not include any members of the Executive. The membership of the Committee shall include two non-voting independent members.

Quorum

The quorum shall be three members not including Independent members

Statement of Purpose

1. The Audit and Risk Committee is a key component of Islington Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit and Risk Committee is to provide assurance to members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
3. The Audit and Risk Committee will aid the achievement of the Council's goals and objectives through the effective oversight of the council's corporate governance arrangements.

Terms of Reference

To consider the following matters and to make recommendations concerning them to the relevant Council bodies or to officers:

1. The Head of Internal Audit's annual report and opinion and the level of assurance internal audit activity can give over the Council's corporate governance arrangements;
2. The external auditor's annual letter, relevant reports and the report to those charged with governance on issues arising from the audit of the accounts;
3. Reports dealing with the management, performance and value for money of the providers of internal and external audit services;

4. A report from internal audit on agreed recommendations not implemented within a reasonable timescale;
5. The appointment of the Council's external auditor;
6. Work to be commissioned from internal and external audit;
7. Specific internal and external audit reports as requested;
8. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies;
9. The external quality assessment of internal audit that takes place at least once every five years;
10. The Council's compliance with its own and other published standards and controls;
11. The arrangements to secure value for money in procurement and commissioning and to review assurances and assessments on the effectiveness of these arrangements;
12. To review the governance and assurance arrangements for formal partnership agreements, where this is not reserved for another body;
13. Any issue referred to it by the Council, Executive, Policy and Performance Scrutiny Committee or the Chief Executive relating to the audit or governance of the council's affairs;
14. The Council's arrangements for corporate governance and risk management and recommend necessary actions to ensure compliance with the good governance framework, including the ethical framework, Local Code of Corporate Governance, and best practice;
15. The effectiveness of the council's frameworks for programme governance and associated project management;
16. The production and content of the authority's Annual Governance Statement;
17. The assessment of fraud risks and potential harm to the council from fraud and corruption, and to consider strategies and actions to reduce such risks including a proactive fraud detection strategy;
18. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations;

19. Any report on any matter relevant to the advisory functions of the Committee which the Committee may request from the Corporate Director of Resources or other proper officer.
20. To receive a report every six months detailing any non-contractual special severance payments made to Chief Officers appointed by members, in excess of £50,000, if any have been made in the relevant period.
21. To review and agree the annual statement of accounts, including considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or the audit that need to be brought to the attention of the council.
22. To adopt the authority's Annual Governance Statement.
23. To agree the Internal Audit Charter and Internal Audit Plan;
24. To agree annually the amount calculated by the Council as its tax base for the whole area of the borough, any tax base applying as special levies, and other matters associated with the tax base.
25. To maintain the contract procedure rules and financial regulations in the Council's constitution;
26. To ensure that the Chair of the Audit and Risk Committee has appropriate access to the Head of Internal Audit on matters within the committee's terms of reference;
27. To make appointments between council meetings to those outside bodies and panels appointed to by the Council under Part 3 paragraph 7.2.
28. To determine the following matters relating to the organisation and conduct of elections,
 - i. division of the constituency into polling districts;
 - ii. division of the borough into polling districts.
 - iii. Other matters referred to the Committee by the Head of Electoral Services.
29. To receive an annual report on the Council's usage of its powers under the Regulation of Investigatory Powers Act (RIPA);
30. To consider matters relating to the introduction, amendment or revocation of byelaws and to make recommendations on byelaws for Council to formally approve, as required.

EMPLOYMENT AND APPOINTMENTS COMMITTEE

Composition

Members of the committee will be the Leader of the Council, the Executive Member with responsibility for Human Resources, and three ordinary member positions. One of the ordinary committee members will be the appointed Chair. All other Executive Members will be appointed to act as substitutes for the Committee, with the relevant Executive Member joining the Committee depending on the appointment being made. There will also be 5 ordinary member substitutes.

If a member of the committee cannot attend a meeting, they will arrange for a substitute to attend. Substitutes should be selected bearing in mind that the committee should be broadly representative of the Council.

When an appointment is to a post employed jointly by the Council and another organisation, such as Islington Clinical Commissioning Group, membership of the committee will be increased to include a relevant representative of that organisation as a co-opted non-voting member following consultation with the Employment and Appointments Committee Chair.

When there are particular statutory requirements in relation to an appointment, such as the appointment of the Director of Public Health, the committee membership will be varied accordingly.

Quorum

The quorum shall be three members.

Terms of Reference

1. To be responsible for the recruitment and appointment of Corporate Directors and Service Directors in accordance with Part 4, Rule 100.
2. To recommend to Council on the designation of the Monitoring Officer and the Chief Finance Officer.
3. To act as the Committee which makes recommendations to Council on the appointment of the Head of Paid Service (Chief Executive).
4. To hear and determine appeals in connection with disciplinary action or dismissal of Corporate Directors (except the Head of Paid Service, S151 Officer and Monitoring Officer).

5. To make recommendations to Council on the appointment of independent persons to serve on the Standards Committee and Audit Committee.
6. To produce an annual or bi-annual report on the committee's activity to full Council.

PENSIONS COMMITTEE

Composition

No special requirements apply to the composition of the Pensions Committee.

Quorum

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

Terms of Reference

To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the London Borough of Islington Pension Fund. This includes but is not limited to the following matters:

1. Reviewing and approving the statutory policies of the Fund including the Governance Compliance Statement, Funding Strategy Statement, Investment Strategy Statement, Pension Administration Strategy, Communications Strategy.
2. To determine the arrangements for the appointment of the Fund Actuary, Investment Consultant and any other Advisor that it may be determined appropriate to appoint.
3. To receive an annual Internal Audit Plan in respect of the Pension Fund which will include, at least, an annual assurance review of the Pensions Administration service and a report on the outcome of planned internal audit activity.
4. To regularly receive and review a comprehensive Risk Register relating to the activities of the Pension Fund.
5. To agree the Business Plan and Annual Budget of the Fund.
6. To agree the Pension Fund Annual Report and Financial Statements.
7. To determine, approve and regularly monitor the arrangements relating to the provision of all matters relating to Pensions Administration functions and the provision of a Pensions Administration Service to the Pension Fund.
8. To receive regular performance monitoring reports, in such form as it determines, in respect of the Pensions Administration Service.

9. To review and approve a Reporting Breaches of the Law procedure for the Pension Fund and to regularly receive the Breaches Log.
10. To make and review an Admission Policy in relating to the admission of Employers to the Fund and be responsible for determining the admission of Employers to the Fund.
11. To agree the investment strategy and strategic asset allocation having regard to the advice of the Investment Consultant.
12. To determine the Fund management arrangements, including the appointment and termination of the appointment of Fund Managers.
13. To monitor the performance of the Pension Funds appointed Fund Managers.
14. To determine the relationship of the Pension Fund with the London Collective Investment Vehicle and to monitor its activity and performance.
15. To determine the arrangements for the provision of Additional Voluntary Contributions for Fund members.
16. To ensure that the Covenants of Employers are thoroughly assessed as required and at least during every Triennial Actuarial Valuation.
17. To receive, from the Fund Actuary, Actuarial Valuations of the Fund.
18. To consider and determine a response to any advisory Recommendation received from the Pension Board.
19. To receive and consider the External Auditors Annual Report (audit findings report / ISA260) on the Pension Fund.
20. To ensure compliance with all relevant statutes, regulations, government guidance and other codes and best practice as applicable to the Local Government Pension Scheme.
21. To determine such other policies that may be required so as to comply with the requirements of Government or bodies acting on behalf of Government.
22. To ensure all members of the Pensions Committee undertake appropriate, and ongoing, training to fulfil their responsibilities

ISLINGTON PENSIONS BOARD

Introduction

This document sets out the terms of reference of the Local Pension Board of The London Borough of Islington (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013.

The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

The Board is established by the Administering Authority and operates independently of the Pensions Committee. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.

The Board's Terms of Reference as set out in this document have been produced in line with the relevant regulations, legislation and guidance.

Terms of Reference

1. To assist the London Borough of Islington as scheme manager in securing compliance with:
 - a. the Local Government Pension Scheme Regulations 2013;
 - b. any other legislation relating to the governance and administration of the Local Government Pension Fund Scheme (LGPS);
 - c. requirements imposed by the Pensions Regulator in respect of the LGPS;
 - d. such other matters as the LGPS regulations may specify
2. To assist the London Borough of Islington in securing the effective and efficient governance and administration of the scheme;
3. To consider cases that have been referred to the Pension Regulator and/or the Pension Ombudsman; recommending changes to processes, training and/or guidance where necessary;
4. To produce an annual report outlining the work of the Board throughout the financial year.
5. To make recommendations to the Pensions Committee.
6. Retain oversight of the administration and governance of the Fund including:
 - a. Direction of the Fund and its overall objectives
 - b. the administration of benefits and contributions
7. Activity of the board may consist of, but is not limited to:
 - a. Review Fund governance policy documents.
 - b. Reviewing the Fund's administrative and investment performance.
 - c. Reviewing the performance of the London Collective Investment Vehicle (LCIV)

- d. Reviewing the ongoing training requirements of Board Members
- e. Reviewing the Fund's risk register
- f. Reviewing the Fund's audit findings report / ISA260.

Composition

The membership of the Board shall consist of:

- 3 Islington Council Pension Fund employer representatives
- 3 Islington Council Pension Fund member representatives
- 1 independent member (non-voting)

No substitutes are permitted, with the exception of the member of the Board who is appointed to represent pensioner members of the LGPS. All members of the Board shall be appointed by full Council the Board shall vote on its own Chair.

Employee Representatives

No officer or elected member of the Council who is responsible for the discharge of any function in relation to the LGPS.

Employee representatives shall be members of the scheme in either an active, deferred or retired member capacity.

Employee 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 representatives shall be appointed. A pensioner rep shall be appointed following a transparent recruitment process which should be open to all pensioner members and be approved by the Administering Authority.

Two employer reps will also be nominated through the respective union channels through their own process.

Employee representatives will normally serve a term of either three or four years, provided they remain members of the Fund, but shall be free to stand for re-election at the end of that period provided they are still a member of the Scheme.

If employee representatives repeatedly fail to attend training or Board meetings they will be removed from post and a new process will be undertaken to replace them, this discretion will lie with the scheme manager.

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 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.

Employer representatives will normally serve a term of three or four years, provided they remain associated with an employer of the Fund, but shall be free to stand for re-election at the end of that period provided they are still a member of the Scheme.

Terms of Office

Representatives shall serve their positions for three or four years, but may re-apply at the end of their terms.

Board membership may be terminated prior to the end of the term of office due to:

- (a) A employee representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund.
- (b) A Board member no longer being able to demonstrate to the Administering Authority their capacity to attend and prepare for meetings or to participate in required training.
- (c) The representative being withdrawn by the nominating body
- (d) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy.
- (e) A Board member becomes a member of the Local Pension Committee.
- (f) A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.
- (g) An employer representative ceases to be an elected Councillor for the local authority they represent.

The Scheme manager will rule if any of the above criteria have been met.

Meetings

The Board shall meet in accordance with the Pensions Committee reporting cycle, which is currently four times per annum.

Urgent meetings of the Local Pension Board may be called by the Chair in consultation with the Scheme Manager if a matter arises that does not allow delay.

Members of the Pensions Board shall be invited to attend meetings of the Sub-Committee as observers.

The Board's meetings will be open to the general public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the general public).

The Administering Authority shall also publish other information about the Board including:

- (a) Public agendas and minutes
- (b) Annual reports on the work of each Board member.

The Local Pension Board is not a committee of the Administering Authority but the Authorities' rules, as set out in the Constitution, regarding notice of meetings, publishing agendas, reports, minutes papers (unless confidential), will apply.

Quorum

A meeting is only quorate when 50% of the total employer and employee representatives are present (ie. 3 members), including at least one employee representative and one employer representative.

A meeting that becomes inquorate may continue but any decisions will be non-binding.

Decision making

Each Member of the Board will have an individual voting right, however it is expected that the Board will, as far as possible, reach a consensus.

In the event of a tied vote the chair will not have a casting vote. The matter under consideration which has been the subject of a tied vote shall be referred to the Pensions Committee and/or Administering Authority together with the views of the members on the matter.

Meetings of the Board will be formal occasions to be minuted accordingly.

Meetings will be conducted adhering to the standing orders of the Administering Authority, as set out in its Constitution, so far as such do not make the business of the Board unviable.

Officers representing the Administering Authority will be expected to produce reports for the Board and provide advice and clarification during the Board's meetings.

Advisors to the Board

The Board may be supported in its role and responsibilities through the appointment of advisers and shall, subject to any applicable regulation and legislation from time to time in force, consult with such advisers to the Board and on such terms as it shall see fit to help better perform its duties including:-

- a. The Governance Adviser
- b. The Fund's Actuary;
- c. The Administering Authority
- d. The Fund's Legal Adviser;
- e. The Scheme Manager.
- f. Other advisers, so approved by the Scheme Manager.

Standards of Conduct and Conflicts of interest

All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change and complete a register of interests, any potential conflict of interest arising as a result of their position on the Board.

A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.

The principles included in London Borough of Islington's Code of Conduct for Members will apply to all Members of the Board.

Knowledge and Skills

Following appointment, each Member of the Board should be conversant with:

- a) the legislation and associated guidance of the LGPS; and,
- b) any document recording policy about the administration of the LGPS which is for the time being adopted by the Fund.

The Administering Authority will provide a training programme which all Board Members will be required to attend. Board members should indicate to officers which areas they feel they require the most attention through a training needs assessment.

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.

Budget

The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board will be met from the Fund.

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.

*As defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 namely development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where:
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more

PLANNING SUB-COMMITTEES

Quorum

The quorum shall be three members.

Terms of Reference

To determine the following matters, unless they are made under section 73 of the Town and Country Planning Act 1990 (and paragraph 14 applies) or are in respect of major developments as defined in the terms of reference of the Planning Committee and are not covered by paragraph 12:

1. Applications recommended for approval which involve the creation of 5 - 9 residential units or 250 - 999sq.m of new office floor space, where relevant planning objections have been received by the proper officer;
2. Applications which are recommended for approval but which do not conform to the Local Development Framework;
3. Applications which involve a legal agreement unless:
 - (i) The heads of terms relate only to securing affordable housing and/or affordable workspace and/or CO2 off-setting in line with planning policy and/or securing highway works in relation to the application site; or
 - (ii) The terms of the agreement are not materially different from any previous agreement approved by the sub-committee in relation to the same site;
4. Alterations: to Grade I or Grade II* listed buildings, (except matters which in the opinion of the Service Director, Planning and Development /Head of Service, Development Management are minor); which involve substantial demolition of a Grade II listed building; where the Council has a difference of opinion with English Heritage;
5. Applications where the Council has an interest (except for matters which in the opinion of the Service Director, Planning and Development /Head of Service, Development Management are minor);
6. Applications submitted by or on behalf of a Member of the Council (or their spouse or partner), or any Council employee (or their spouse or partner);
7. Decisions which are likely to result in a claim for compensation or the service of a purchase notice;

8. Applications which, in the opinion of the Service Director, Planning and Development /Head of Service, Development Management, should be considered by the appropriate sub-committee;
9. Applications which are recommended for approval where an objection to the current proposal has been received which is based on planning grounds (other than those applications where, in the opinion of the Service Director, Planning and Development/Head of Service, Development Management (in consultation with the Chair of the Planning Committee), the objection can be overcome by imposition of an appropriate condition, or where the application clearly complies with the relevant planning policies in which case the decision may be taken by officers) unless the objection relates to an application made under the procedure for prior approval under part 24 of the General Permitted Development Order;
10. Traffic management and stopping-up orders which are consequent upon the grant of planning permission by the sub-committee;
12. To determine any applications for planning permission, consent or approval falling within the terms of reference of the Planning Committee which the Planning Committee has specifically indicated it wishes a sub-committee to consider;
13. To determine any other application for planning permission, consent or approval, other than in respect of a major development, which the Chair 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 Sub-Committee;
14. A Section 73 application need not be referred to the committee where:
 - (a) the Service Director Planning and Development/Head of Service Development Management would not recommend it for approval; or
 - (b) the Service Director Planning and Development/Head of Service Development Management, following consultation with the Chair (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.

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 making of Early Morning Restriction Orders under section 172A of the Licensing Act 2003.
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.
4. To arrange for the discharge of the functions governed by the Licensing Act 2003 and the Gambling Act 2005 by its sub-committees or by officers in accordance with section 10 of the Licensing Act and section 232 of the Gambling Act.
5. To arrange for the discharge of any other of the Committee's functions by its sub-committees.
6. To receive and consider annual reports, where appropriate, on any matter directly related to the licensing functions in the borough.

7. To exercise the functions of the Licensing Sub-Committees during the period between the election and the Annual Meeting of the Council, if necessary.
8. 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.

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.

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 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 relevant Corporate Director, 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 relevant Service Director 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

Delegation to Officers

All functions under the Scrap Metal Act 2013 not within the terms of reference of the Licensing Regulatory Committee are delegated to officers as detailed in Part 3 and Appendix 2 of the Constitution.

SCRUTINY COMMITTEES

1. Overview and scrutiny functions are:
 - Reviewing or scrutinising decision or actions taken in connection with the discharge of executive functions
 - Making recommendations about executive functions
 - Reviewing or scrutinising decision or actions taken by the council in connection with the discharge of non-executive functions
 - Making recommendations about these functions
 - Making recommendations about matters which affect the authority's area or its inhabitants.
 - Carrying out the specific roles of health scrutiny and crime and disorder scrutiny.
 - To consider matters relating to the performance of the council.
2. Overview and scrutiny functions in respect of the Council's education functions are allocated to the Children's Services Scrutiny Committee the membership of which includes education representatives as set out in its terms of reference below.
3. Where one of the other Scrutiny Committees is carrying out a review or dealing with other business which will involve a consideration of the Council's education functions, the education representatives on the Children's Services Scrutiny Committee shall be entitled to join the Scrutiny Committee as voting members for the meeting concerned to participate in that review.
4. All Scrutiny Committee are responsible for considering equalities issues arising in respect of matters falling within their terms of reference.

POLICY AND PERFORMANCE SCRUTINY COMMITTEE

(This Scrutiny Committee is the Council's statutory crime and disorder scrutiny committee)

Composition

Members of the Executive may not be members of the Policy and Performance Scrutiny Committee.

The membership of the committee shall include the Chairs of the Scrutiny Committees (subject to political balance rules)

No member may be involved in scrutinising a decision in which they have been directly involved.

Policy and Performance Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees

Quorum

The quorum for the Policy and Performance Scrutiny Committee shall be four members not including co-optees.

Terms of Reference

1. The co-ordination of all overview and scrutiny functions on behalf of the Council.
2. To receive reports from the Leader on the Executive's priorities for the coming year and its performance in the previous year.
3. To consider matters relating to the financial position and performance of the Council other than detailed performance matters in the remit of another scrutiny committee.
4. To consider matters relating to the performance of the Council and its partners other than detailed performance matters falling within the remit of any other Scrutiny Committee.
5. To carry out the functions of an overview and scrutiny committee in respect of matters relating to the Chief Executive's Department and the Resources Directorate.
6. To be the Council's crime and disorder committee and to review or scrutinise matters relating to the discharge of crime and disorder functions by the Council and its partners and make reports or recommendations to the Executive or other appropriate part of the council.

7. To receive requests from the Executive or the Leader of the Executive for scrutiny involvement in policy development and review and key decisions before they are made and decide how to respond.
8. To monitor the Executive's Forward Plan.
9. To consider all matters which have been referred to it in accordance with the provisions contained in the call in procedure contained within Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution and to decide whether such matters should be referred to Council or to the Executive for reconsideration.
10. To consider all matters that have been referred to it in accordance with the provisions contained in the councillor call for action procedure contained within the Overview and Scrutiny Procedure Rules.
11. To set at the beginning of each municipal year a work programme for itself and the four Scrutiny Committees following consultation with the Chairs of those committees.
12. To receive the annual report of the Voluntary and Community Sector Committee.
13. To set aside one or more meeting(s) each year to receive an annual report from each of the 4 Scrutiny Committees.

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 they have 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 three members, not including co-opted members.

Terms of Reference

1. To carry out the functions of an overview and scrutiny committee in respect of matters relating to the Children's Services Directorate
2. To consider matters relating to the performance of the Council's partners in respect of the functions of the Children's Services department as appropriate.
3. To receive requests from the Executive or the Leader of the Executive for scrutiny involvement in education related matters.

4. To consider educational issues referred to it in accordance with the provisions contained in the call in procedure contained within Policy and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution and to decide whether such matters should be referred to Council or to the Executive for reconsideration.
5. To undertake a scrutiny review of its own choosing relating to a Children's Services Directorate function and any further reviews as directed by the Policy and Performance Scrutiny Committee and to make recommendations to the Executive thereon.
6. To consider all matters that have been referred to it in accordance with the provisions contained in the councillor call for action procedure contained within the Overview and Scrutiny Procedure Rules.

HEALTH AND CARE SCRUTINY COMMITTEE

(This Scrutiny Committee is responsible in accordance with regulation 28 of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013) for the Council's health scrutiny functions other than the power under regulation 23(9) to make referrals to the secretary of state

Composition

Members of the Executive may not be members of the Scrutiny Committee.

Members of the Health and Wellbeing Board should not be appointed to this committee.

No member may be involved in scrutinising a decision which they have been directly involved.

The Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees.

Quorum

The quorum for a meeting of the committee shall be four members.

Terms of Reference

1. To review the planning, provision and operation of health and care services in Islington area, invite reports from local health and care providers and request them to address the committee about their activities and performance
2. To respond to consultations by local health trusts and the Department of Health.
3. To consider whether changes proposed by local health trusts amount to a substantial variation or development.
4. To make reports and/or recommendations to a relevant NHS body or a relevant health service provider.
5. To recommend to the Council that a referral be made to the secretary of state under regulation 23(9) of the Local Authority (Public Health, Health and Wellbeing and Health Scrutiny) Regulations 2013.
6. To make reports and/or recommendations to the Council and/or the Executive on matters which affect the health and wellbeing of inhabitants of the area.

7. To carry out the functions of an overview and scrutiny committee in respect of matters relating to the Public Health Directorate or to Adult Social Services.
8. To undertake a scrutiny review, of its own choosing and any further reviews as directed by the Policy and Performance Scrutiny Committee and, consulting all relevant sections of the community, to make recommendations to the Executive thereon.
9. To carry out any review referred to it by the Policy and Performance Scrutiny Committee following consideration of a Councillor Call for Action referral.

ENVIRONMENT AND REGENERATION SCRUTINY COMMITTEE

Composition

Members of the Executive may not be members of the Scrutiny Committee.

No member may be involved in scrutinising a decision which they have been directly involved.

The Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees.

Quorum

The quorum for a meeting of the committee shall be four members.

Terms of Reference

1. To carry out the functions of an overview and scrutiny committee in respect of matters relating to the Environment Directorate.
2. To scrutinise other sustainability and transport issues affecting the borough
3. To undertake, a scrutiny review of its own choosing and any further reviews as directed by the Policy and Performance Scrutiny Committee and, consulting all relevant sections of the community, to make recommendations to the Executive thereon.
4. To carry out any review referred to it by the Policy and Performance Scrutiny Committee following consideration of a Councillor Call for Action referral.

HOUSING SCRUTINY COMMITTEE

Composition

Members of the Executive may not be members of the Scrutiny Committee.

No member may be involved in scrutinising a decision in which they have been directly involved.

The Council may appoint up to three resident observers to the Committee to represent the views and experiences of local people.

Quorum

The quorum for a meeting of the committee shall be four members not including co-opted members.

Terms of Reference

1. To carry out the functions of an overview and scrutiny committee in respect of matters relating to Housing Services.
2. To consider and make recommendations to the Executive, the Executive member for Housing and to Corporate Directors or other council officers with relevant delegated authority in relation to any aspect of the council's housing landlord functions and services.
3. To consider and make recommendations to the Executive, the Executive member for Housing and to Corporate Directors or other council officers with relevant delegated authority in relation to other functions and services directly affecting any aspect of the council's housing landlord functions and services.
4. To review the operation and effectiveness of the council's resident engagement arrangements from time to time.
5. To consider matters relating to the performance of the Council's partners, including RSLs, in respect of housing and housing related matters as appropriate.
6. To consider residents' experience of the borough's privately rented housing
7. To seek and receive the views of residents concerning housing matters through the council's resident engagement arrangements.

8. To undertake a scrutiny review of its own choosing and any further reviews as directed by the Policy and Performance Scrutiny Committee and, consulting all relevant sections of the community, to make recommendations to the Executive thereon.
9. To carry out any review referred to it by the Policy and Performance Scrutiny Committee following consideration of a Councillor Call for Action referral.

GRIEVANCE COMMITTEE

The committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The committee's duties relate to the Chief Executive. The committee will hear both grievances brought against the Chief Executive and grievances brought by them. Grievances brought by the Chief Executive will be against an individual elected member or members or the employing council generally.

Composition

The Grievance Committee shall comprise of five members, as follows:

- Chief Whip of the Majority Group (Chair)
- Deputy Leader of the Council
- Three other members.

Members of the Grievance Committee may not be members of the Grievance Appeal Committee, the Investigating and Disciplinary Committee or the Disciplinary Appeals Committee.

Quorum

The quorum of the committee shall be three members.

Terms of Reference

- To consider grievances brought against the Chief Executive.
 - a) The grievance has been considered by an appropriate, appointed 'Receiving Officer' and
 - b) The Receiving Officer considers that an informal resolution is inappropriate, or an informal resolution has been tried and failed and
 - c) A 'Stage One' investigation has been undertaken by the Receiving Officer or an independent investigator appointed by them and
 - d) The outcome of the investigation was in favour of the complainant and
 - e) A solution, which took into account the remedy requested by the complainant and the Receiving Officer's assessment of what would be appropriate in the circumstances, has not been accepted by the statutory officer.
- To determine, based on all the available evidence, witness evidence as required and representations from the relevant statutory officer and the complainant, if they wish to make them, whether or not to uphold or reject the grievance.
- To determine, if the Committee concludes that the grievance is upheld, how best to resolve the issue to the satisfaction of the

aggrieved employee.

- To refer matters, where a grievance has been upheld and the Committee considers the issue to be of a serious nature, to the Investigation and Disciplinary Committee.
- To inform complainants of their right of appeal to the Grievance Appeal Committee, if the Committee concludes that their grievance is not upheld.
- To consider grievances brought by the Chief Executive once:
 - a) Informal resolution of the complaint has been considered by an appropriate, appointed 'Receiving Officer' and
 - b) The Receiving Officer considers that informal resolution is inappropriate, or an informal resolution is unsuccessful.
- To determine, based on all the available evidence, witness evidence as required and representations from the Chief Executive, if they wish to make them, whether or not to uphold or reject the grievance.
- To refer matters relating to the conduct or behaviour of an elected member, where the grievance is upheld, to the Council's Standards Committee.
- To inform the Chief Executive of their right of appeal to Council, if the Committee concludes that their grievance is not upheld.
- To report back to the Grievance Committee when an appeal is upheld, advising of the reasons for this decision.

GRIEVANCE APPEAL COMMITTEE

The committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The committee's duties relate to hearing appeals against decisions by the Grievance Committee in relation to grievances brought against the Chief Executive.

Composition

The Grievance Appeal Committee shall comprise of five members, as follows:

- Deputy Whip of the Majority Group (Chair)
- Executive Member for Environment & Transport
- Three other members

Members of the Grievance Appeal Committee may not be members of the Grievance Committee, the Investigating and Disciplinary Committee or the Disciplinary Appeals Committee.

Quorum

The quorum of the committee shall be three members.

Terms of Reference

- To consider appeals against decisions made by the Grievance Committee in relation to grievances brought against the Chief Executive, that the Grievance Committee did not uphold.
- To inform the Chief Executive that an appeal against the decision of the Grievance Committee has been made.
- To consider the appeal including the appropriate technical and procedural advice from the Receiving Officer who undertook the initial review of the grievance.
- To conduct any further investigation the committee considers necessary to reach a decision.
- To consider newly available relevant information and the outcome of any further investigation, noting that there is no further appeal stage beyond the considerations of this committee.
- To consider, if the committee determines to uphold an appeal, and it considers it appropriate, making recommendations on how the issue can best be resolved to the satisfaction of the aggrieved employee.
- To refer the matter, where an appeal has been upheld and the

Committee considers the issue to be of a serious nature, to the Investigation and Disciplinary Committee.

- To inform appellants, when an appeal is dismissed, that there is no further appeal and the matter is regarded as being concluded.

INVESTIGATING AND DISCIPLINARY COMMITTEE

The committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The committee's duties relate to the following statutory officer posts; Chief Executive, Monitoring Officer and Section 151 Officer.

Composition

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

- Chair of the Audit Committee (Chair)
- Executive Member for Health and Social Care
- Three other members.

Members of the Investigating and Disciplinary Committee may not be members of the Disciplinary Appeal Committee, the Grievance Committee or the Grievance Appeal Committee.

Quorum

The quorum of the committee shall be three members.

Terms of Reference

- To consider grievances raised by the statutory post holders above, where the grievance is raised during a disciplinary / capability investigation.
- To consider grievances against the statutory officers listed above, referred to it by the Grievance Committee.
- To consider grievance appeals referred to it by the Grievance Committee.
- To consider allegations made against the statutory post holders above.
- To consider the comments of the statutory post holder in relation to the allegations and to determine one of following outcomes:
 - a) That no further action is required.
 - b) That there is some minor fault or error on behalf of the statutory post holder, but the matter can be resolved with an informal un-recorded warning.
 - c) That there are grounds for an independent disciplinary investigation

to be conducted.

If the committee determines that an independent disciplinary investigation should be conducted;

- To appoint an Independent Investigator, from the list provided by the Joint Secretaries of the Joint Negotiating Committee for Chief Executives of Local Authorities;
- To determine the scope of the investigation to be conducted by the Independent Investigator;
- To note that the Independent Investigator may choose to undertake either a full hearing or an evidence gathering process.
- To determine if the statutory post holder should be suspended.
- To review the continuance of the suspension of the statutory post holder should it exceed 2 months.

If the Independent Investigator has undertaken a full hearing:

- To receive the report and consider any recommendations of the Independent Investigator.
- To conduct the meeting at which the report and any recommendations by the Independent Investigator are considered in accordance with the ACAS Code of Practice.
- To consider any documentation and/or the evidence of any witnesses it chooses to call, to clarify the content of the Independent Investigator's report
- To consider any request from the statutory officer to also call relevant witnesses and ensure that they have sufficient opportunity to do so.
- To ensure that the Independent Investigator and the statutory officer are able to attend the meeting if they wish to do so and are provided with an opportunity to summarise their case.
- To consider any objections received from Members of the Executive.

If the Independent Investigator has undertaken an evidence gathering process:

- To convene a hearing, at which both the Independent Investigator and the statutory officer will be provided with an opportunity to submit

evidence and call and question each other's witnesses.

- To conduct the meeting at which the report and any recommendations of the Independent Investigator are considered in accordance with the ACAS Code of Practice.
- To consider any objections received from Members of the Executive.

Following consideration of the Independent Investigator's report, representations from the Independent Investigator, the statutory officer, relevant witnesses and any objections received from Members of the Executive:

- To determine either:
 - a) That there is no case to answer.
 - b) That disciplinary action short of dismissal should be taken against the statutory post holder by the Investigating and Disciplinary Committee.
 - c) A recommendation to dismiss the statutory post holder.

If the committee determines to recommend dismissal;

- To instruct that the Independent Panel is to be convened to consider the Independent Investigator's report and receive any oral or written representation from the statutory officer.
- To consider subsequent advice, views and/or recommendations given by the Independent Panel.
- To make a recommendation to Council that the statutory post holder be dismissed, which takes into consideration and includes the views of the Independent Panel, the conclusions of the investigation and any representations from the statutory officer.

Where the Investigating and Disciplinary Committee has made a recommendation to Council to dismiss, the Council will review all available evidence and all views / recommendations expressed and consider oral and/or written submissions by the statutory officer before reaching a final decision. The representations made by the statutory officer to Council constitute the appeal process.

Where the Investigating and Disciplinary Committee has made a recommendation for disciplinary action, but not dismissal, the statutory officer may appeal to the Disciplinary Appeals Committee.

DISCIPLINARY APPEAL COMMITTEE

The committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The committee's duties relate to hearing appeals against decisions by the Investigating and Disciplinary Committee in relation to the following statutory officer posts; Chief Executive, Monitoring Officer and Section 151 Officer.

Composition

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

- Deputy Whip of the Majority Group (Chair)
- Executive Member for Children, Young People and Families
- Three other members.

Members of the Disciplinary Appeal Committee may not be members of the Investigating and Disciplinary Committee, the Grievance Committee or the Grievance Appeal Committee.

Quorum

The quorum of the committee shall be three members.

Terms of Reference

- To receive and consider appeals made by the statutory officers listed above following a decision by the Investigating and Disciplinary Committee to recommend that disciplinary action, other than dismissal, is taken against the relevant statutory officer.

Consideration of the appeal will require the committee:

- To consider the report of the Independent Investigator and any other relevant information considered by the Investigation and Disciplinary Committee.
- To conduct any further investigation the committee considers necessary to reach a decision.
- To permit the statutory officer to appear at the meeting and state their case.
- To consider newly available relevant information and the outcome of any further investigation, noting that there is no further appeal stage beyond the considerations of this committee.
- To determine if the appeal should be upheld or dismissed.

- To inform appellants, when an appeal is dismissed, that there is no further appeal, that the decision of the Investigating and Disciplinary Committee stands and the matter is regarded as being concluded.
- To report back to the Investigating and Disciplinary Committee when an appeal is upheld, advising of the reasons for this decision.

JOINT COMMITTEES

FUNCTIONS DISCHARGED BY THE LONDON COUNCILS JOINT COMMITTEES

The Council is a member of a number of joint committees under the umbrella of London Councils. An Agreement dated 1 April 2000 (as varied by an agreement dated 13 December 2001) established the London Councils Leaders' Committee and the Associated Joint Committee (London Councils Grants Committee) as joint committees. There is a further agreement dated 15 January 1998 (as varied by the Agreement dated 13 December 2001), which established the Associated Joint Committee (London Councils Transport and Environment Committee).

The rules of debate and procedure for the conduct of meetings of the Leaders' Committee are set out in Standing Orders contained in the 1 April 2000 Agreement and which are also published on the London Councils website. The Leaders' Committee is also required to comply with Financial Regulations contained in the London Councils Agreement. These Standing Orders and Financial Regulations also apply to the other London Councils joint committees detailed below.

LONDON COUNCILS LEADERS' COMMITTEE:

Membership

This committee comprises one member of each of the London local authorities who is designated the authority's "Leader" for the purposes of carrying out the committee's functions.

Terms of Reference

(This joint committee discharges executive and non-executive functions)

The terms of reference of the Committee are set out in full in the Agreement dated 1 April 2000 and are summarised below:

1. To consult on the common interests of the London local authorities and to discuss matters relating to local government.
2. To represent the interests of the London local authorities to national and local government, Parliament, the European Union and other bodies.
3. To formulate policies for the development of democratic and effectively managed local government.
4. To provide services to the London local authorities including the provision of information.

5. To provide information to the public, individuals and other organisations on the policies of the London Councils and other issues relevant to London.
6. To act for and on behalf of the London local authorities in their role as employers, through the provision of a range of services.
7. To appoint members to serve on the Greater London Provincial Council and to represent the views of the London local authorities on pay and terms and conditions of service to the national negotiating body.
8. To review the needs of Greater London under the London Boroughs Grants Scheme, in accordance with which the London local authorities make grants to voluntary organisations within Greater London and to approve the budget proposed for the Scheme each year.
9. To consult with the Associated Joint Committee (London Councils Transport and Environment Committee) (see below) regarding strategic policies and annual budget.
10. To establish an independent remuneration panel to make recommendations to the London local authorities regarding the payment of allowances to the members of those authorities.

ASSOCIATED JOINT COMMITTEE (LONDON COUNCILS TRANSPORT AND ENVIRONMENT COMMITTEE)

Membership

This committee comprises one member from each London local authority and a member from Transport for London (which is part of the Greater London Authority).

Terms of Reference

(This committee discharges executive and non-executive functions.)

The terms of reference of the Committee are set out in full in the Agreement of 13 December 2001 and are summarised below:

1. To appoint and provide accommodation and support for parking adjudicators and to administer the parking appeals service, which is an independent service for those wanting to appeal against a Council's decision on a parking ticket;
2. To set the level of penalties and other enforcement charges and the level of discount for early payment of penalties;
3. To set the level of penalties for decriminalised contraventions in bus lanes, and the level of discount for early payment of penalties;
4. To operate other parking services including the TRACE line, which provides 24-hour information on cars which have been towed away;
5. The publication of a code of practice on parking enforcement and the dissemination of parking enforcement information to drivers and the general public;
6. To co-ordinate and maintain vehicle clamping and removal operations;
7. To provide IT services to the London local authorities for DVLA enquiries, County Court debt registrations and warrants, borough payment information exchange and a persistent offenders database;
8. The production and maintenance of the parking attendants' handbook of contravention codes;
9. To administer the Health Emergency Badge Scheme for doctors, nurses and health visitors;
10. To act as the National Joint awarding body for National Vocational Qualifications for Parking Attendants;

11. To run and pay for the Freedom Pass free ticket initiative for London's senior citizens, blind and disabled people;
12. To administer the London Lorry Ban, which prevents lorries travelling down residential streets at night and at weekends;
13. To run and pay for the Taxicard Scheme, which provides free transport for London's disabled community;
14. To take a borough-wide strategic overview on London's transport policy and policy issues in planning, the environment, consumer protection, trading standards and waste.
15. To make and enforce pan-London traffic orders for the purposes of the implementation across Greater London of the London Safer Lorry Scheme under section 6 of the Road Traffic Regulation Act 1984 and all other enabling powers.

ASSOCIATED JOINT COMMITTEE (LONDON COUNCILS GRANTS COMMITTEE)

Membership

This committee comprises one member from each London local authority who must be a member of their Executive.

Terms of Reference

(This Committee discharges Executive functions.)

1. To make grants to voluntary organisations benefitting more than one London borough.
2. To consider and review the needs of London in relation to the grants scheme.
3. To recommend an annual budget to the London Councils Leaders' Committee, which, once approved, has to be agreed by a two-thirds majority of the London local authorities in order to make it binding on all 33 – (which includes the Corporation of London).

PARTNERS IN PARKING

Membership

This committee comprises one elected Member from each partner authority's Executive.

Terms of Reference

1. To consider proposals from the Management Committee for Procurements, and, subject to any formal notifications or approvals that may be required by individual partner authorities in accordance with Clauses 10.5.1 or 10.8 of the Agreement, to agree the entering into of new procurements and the award of framework contracts or other appropriate contractual arrangements.
2. To provide programme and strategic direction to the Management Committee and Central Team.
3. To monitor progress and the implementation of procurements and framework contracts entered into under them.
4. To monitor and keep under review the fundamental purpose of PiP.
5. To assist and direct the Management Committee in the promotion of PiP.
6. To consider the introduction of a New Partner Authority and make decisions in that regard.
7. To consider and/or approve the removal of any Partner Authority.
8. To agree the amount of contributions.
9. To make decisions in relation to the dissolution of PiP.
10. To appoint the Chair of the Management Committee.
11. To approve budgets.

NORTH CENTRAL LONDON JOINT HEALTH AND OVERVIEW SCRUTINY (JHOSC) COMMITTEE

TERMS OF REFERENCE

Membership

This is a joint health scrutiny committee with the London Boroughs of Barnet, Camden, Enfield and Haringey established under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Each authority makes two appointments to the joint committee

Terms of Reference

1. To engage with relevant NHS bodies on strategic area wide issues in respect of the coordination, commissioning and provision of NHS health services across the whole of the area of Barnet, Camden, Enfield, Haringey and Islington; and
2. To respond, where appropriate, to any proposals for change to specialised NHS services that are commissioned on a cross borough basis and where there are comparatively small numbers of patients in each of the participating boroughs.
3. To respond to any formal consultations on proposals for substantial developments or variations in health services across affecting the areas of Barnet, Camden, Enfield, Haringey and Islington and to decide whether to use the power of referral to the Secretary of State for Health on behalf of Councils who have formally agreed to delegate this power to it when responding to formal consultations involving all the five boroughs participating in the JHOSC;
4. The joint committee will work independently of both the Executive and health scrutiny committees of its parent authorities, although evidence collected by individual health scrutiny committees may be submitted as evidence to the joint committee and considered at its discretion.
5. The joint committee will seek to promote joint working where it may provide more effective use of health scrutiny and NHS resources and will endeavour to avoid duplicating the work of individual health scrutiny committees. As part of this, the joint committee may establish sub and working groups as appropriate to consider issues of mutual concern provided that this does not duplicate work by individual health scrutiny committees; and
6. The joint committee will aim work together in a spirit of co-operation, striving to work to a consensual view to the benefit of local people.

CAMDEN AND ISLINGTON JOINT HEALTH SCRUTINY COMMITTEE

TERMS OF REFERENCE

1. Establishment and purpose of the Joint Committee

If a relevant NHS body or a relevant health service provider proposes to consult more than one local authority on any proposal for a substantial development of the health service in the area, or a substantial variation in the provision of health services in the area, Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, requires the local authorities whose area will be affected by the proposed changes, to establish a joint overview and scrutiny committee to consider a consultation response.

In accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the Camden and Islington Joint Health Scrutiny Committee may not discharge any functions other than described above and will only meet when required to do so to consider a consultation by a relevant NHS body or a relevant health service provider on any proposal for a substantial development of the health service in the area, or a substantial variation in the provision of health services in the area.

The committee has been convened to consider the proposals being made by Islington and Camden Clinical Commissioning Group (CCG) and Camden and Islington Foundation Trust: 'Transforming Mental Health Services in Camden and Islington: Proposals for change to the Camden and Islington NHS Foundation Trust Estate'.

2. Membership

Membership of the Joint Committee will comprise of the members of both the Camden Health and Adult Social Care Scrutiny Committee and the Islington Health and Care Scrutiny Committee.

3. Chair

The Chair of the Camden and Islington Joint Health Scrutiny Committee will be either the Chair of the Camden Health and Adult Social Care Scrutiny Committee or the Islington Health and Care Scrutiny Committee, and will be determined by the Joint Committee, at the commencement of each meeting. The remaining Chair will act as

Vice Chair.

4. Quorum

A meeting of the Camden and Islington Joint Health Scrutiny Committee will be considered quorate when at least three members from each constituent borough's Health Scrutiny Committee are in attendance.

5. Meetings

(a) Meetings of the Camden and Islington Joint Health Scrutiny Committee will be held in public, although the public may be excluded from part of a meeting during an item of business if it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I and Schedule 12A to the Local Government act 1972 would be disclosed to them.

(b) Meetings will be convened and publicised at least 5 clear working days prior to the meeting date in accordance with the Local Government Act 1972, as amended by the Local Government Act 2000.

(c) Meetings will be governed and abide by the Committee procedure rules and standing orders applying to committees of the Council which is hosting the meeting.

(d) The first meeting of the committee will take place at the offices of Camden Council and meetings will then alternate between Camden and Islington offices.

6. Access to information

Such meeting papers as the relevant NHS body or a relevant health service provider propose to consider at the meeting, that are not confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I and Schedule 12A to the Local Government act 1972, will be made available to the public for 5 clear working days prior to the meeting in

accordance with the Local Government Act 1972, as amended by the Local Government Act 2000.

7. Deputations

Deputations wishing to attend the Joint Committee shall require the approval of the Chairs of both Council's Health Scrutiny Committees.

Requests for deputations should normally be in writing and be received by the clerk named on the agenda, at least two clear working days before the meeting.

Deputations shall only be received where the subject of the deputation is on the agenda of the meeting concerned.

One representative of the deputation will be entitled to address the meeting and shall speak for no more than three minutes unless the Chair decides otherwise.

8. Terms of Reference

(a) To make comments on proposals consulted on pursuant to regulation [23 of the](#) Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, namely any proposal made by a relevant NHS body or a relevant health service provider for a substantial development of the health service or for a substantial variation in the provision of a service affecting residents in both local authority areas.

(b) The Camden and Islington Joint Health Scrutiny Committee may require the relevant NHS body or a relevant health service provider to provide such information about the planning, provision and operation of health services in the area as the authority may reasonably require in order to discharge its functions, in accordance with regulation [26 of the](#) Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

(c) The Camden and Islington Joint Health Scrutiny Committee may require a member or employee of the relevant NHS body or a relevant health service provider to attend before it under regulation [27 of the](#) Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to answer questions in connection with the consultation.

(d) The Camden and Islington Joint Health Scrutiny Committee may not discharge any functions other than relevant functions above, in

accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

9. Administrative Support

Administrative support for the meetings of the Joint Committee will be provided by the Committee Services staff at the location where the meeting is being held.

PART 6

ISLINGTON CODE OF CONDUCT FOR
MEMBERS

ISLINGTON CODE OF CONDUCT FOR
EMPLOYEES

PROTOCOL ON MEMBER/OFFICER
RELATIONS

PUBLICITY PROTOCOL

COUNCILLOR CALL FOR ACTION
PROTOCOL

FINANCIAL REGULATIONS

PROCUREMENT RULES

LOCAL CODE OF CORPORATE
GOVERNANCE

ISLINGTON CODE OF CONDUCT FOR MEMBERS

Islington Code of Conduct for Members

Introduction:

The councillor's role is a vital part of our democracy and it is important that councillors meet public expectations of conduct and that the role attracts individuals from a range of backgrounds and circumstances, to put themselves forward to become councillors.

Members of the public trust that councillors take decisions fairly, openly, and transparently. To ensure that trust continues, councillors must demonstrate high standards of conduct and be held accountable if their conduct fails to reach the high standards required.

Councillors should not intimidate, abuse, bully or threaten anyone and it is vitally important that they can conduct their duties without being intimidated, abused, bullied or threatened by anyone, including the general public.

All councils are required to have a Councillor Code of Conduct. This Code has been designed to protect the councillor's vital democratic role, encourage good conduct and to safeguard public trust in local government.

An allegation that a councillor has breached this Code will trigger an initial investigation and if it appears that there is some substance to the allegations, it may result in an independent investigator being appointed to carry out a full investigation and ultimately in the Standards Committee being convened. A range of sanctions are available to the Standard's Committee.

Failure to comply with those parts of this Code that relate to your register of interests may amount to a criminal offence unless the member has a reasonable excuse. A member may also commit an offence if they provide information that is false or misleading and they either know that it is false or misleading or do not take reasonable and appropriate steps to ensure that the information is correct. If found guilty of a criminal offence, the member may be disqualified from being or becoming a member of Islington or other local authorities for up to five years.

This Code sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.

The Monitoring Officer has statutory responsibility for implementation of this Code and councillors are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

Definitions:

1. References to a member or members in this Code includes all elected or co-opted members of Islington Council. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who
 - a) is a member of any committee or sub-committee of the authority, or;
 - b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, or;
 - c) a member appointed at any meeting;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee"
2. References to a meeting or meetings in this Code, means any meeting of
 - (a) full Council;
 - (b) the Executive;
 - (c) any committee or sub-committee of the Council or Executive, joint committees and joint sub-committees;

Scope / Application of this Code:

It is every councillor's individual responsibility to familiarise themselves with and abide by this Code.

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

1. You must comply with this Code whenever:
 - (a) you conduct the business of Islington Council (including the business of the office to which you are elected or appointed); or
 - (b) you act, claim to act, or give the impression you are acting as a representative of Islington Council, or
 - (c) your actions would give the impression to a reasonable member of the public, with knowledge of all the facts, that you are acting as a councillor
2. You must not, at any time, even when not conducting or giving the impression you are conducting the business of Islington Council, conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute
3. Where you act as a representative of Islington Council:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

- (b) on any other body, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. This Code applies to all forms of communication and interaction, including:

- face-to-face meetings
- online or telephone meetings
- written communication
- verbal communication
- non-verbal communication
- electronic and social media communication, posts, statements and comments.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including councillors and local authority officers, should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor:

Selflessness — you should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity — you should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity — you should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability — you should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

Openness — you should be as open as possible about your actions and those of the council, and should be prepared to give reasons for those actions.

Honesty — you should be truthful in your council work and avoid creating situations where your honesty may be called into question

Leadership — you should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

To support the general principles, every councillor is required to make a commitment to comply with the following general obligations:

General Obligations

To always:

- Act with integrity and honesty
- Act lawfully
- Treat all persons fairly and with respect; and
- Lead by example and act in a way that secures public confidence in the role of councillor
- Impartially exercise my responsibilities in the interests of the local community
- Not improperly seek to confer an advantage, or disadvantage, on any person
- Avoid conflicts of interest
- Exercise reasonable care and diligence; and
- Ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Standards of councillor conduct:

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct:

1. Respect

- 1.1. I treat other councillors and members of the public with respect.
- 1.2. I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and I respect the role they play.

Showing respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. You can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

You should treat members of the public politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under this Code and local authority employees, where concerns should be raised in line with the Protocol on Member/Officer Relations.

2. Bullying, harassment and discrimination

- 2.1. I do not bully any person.
- 2.2. I do not harass any person.

2.3. I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

3.1. I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of a report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

4.1. I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the local authority; and

3. I have consulted the Monitoring Officer prior to its release.
- 4.2. I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.
- 4.3. I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

- 5.1. I do not bring my role or local authority into disrepute.

You are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and your local authority and may lower the public's confidence in you or your authority. For example, behaviour that is considered dishonest or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to this Code of Conduct.

6. Use of position

- 6.1. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

- 7.1. I do not misuse council resources.
- 7.2. I will, when using the resources of the local authority or authorising their use by others:
 - a. act in accordance with the local authority's requirements; and
 - b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

Resources are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided. Examples of resources that may be made available to you include:

- office support
- stationery
- equipment such as phones and computers
- transport
- access and use of local authority buildings and rooms.

8. Complying with the Code of Conduct

- 8.1. I undertake Code of Conduct training provided by my local authority.
- 8.2. I cooperate with any Code of Conduct investigation and/or determination.
- 8.3. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 8.4. I will comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for your actions open to scrutiny and that you don't undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes for managing complaints, contact the Monitoring Officer for advice.

9. Gifts and Hospitality

- 9.1. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or give rise to a reasonable suspicion that I may show favour to someone seeking an advantage in relation to any business or transaction with the authority or influence someone else to do so.
- 9.2. I register any gift or hospitality with an estimated value of £25 or more, with Democratic Services / Member Support for publication on the website, within 28 days of its receipt.
- 9.3. I also register any significant gift or hospitality that I have been offered but have declined.

The acceptance of gifts and hospitality can influence whether or not you are seen to be acting in the public interest, or improperly acting for your own personal advantage or that of your family, friends or associates. You should therefore exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when a refusal may be difficult, particularly if it is seen as rudeness or cultural insensitivity. Under these circumstances, it may be appropriate to accept and declare the gift, or to accept and declare the gift on behalf of the Mayor's Charity.

Any gifts received by the Mayor's Charity will be auctioned or put into a raffle and the proceeds will go to whichever charity the Mayor has chosen to support that year. In the interests of transparency, all gifts accepted over the value of £25 donated to the Mayor's Charity should be included on your

register (along with the note of the donation) and published within 28 days of receipt of the offer or invitation.

Hospitality includes, but is not limited to, drinks, meals, entertainment, overnight accommodation, travel, holidays but not lifts in a private car or taxi or light refreshment in the course of your duties as a Councillor. Unsolicited generic invitations to free or subsidised places at conferences, which are sent to numerous local authority councillors and/or officers, do not need to be declared. Any gift estimated to be over £25 in value, loan, fee (except those for paid employment declared in your register of interests) or reward should also be declared. You do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family, or normal expenses and hospitality associated with your duties as a councillor.

By declaring gifts and hospitality, even where they have been declined, you are demonstrating that you apply high standards of conduct. If you have a gift or hospitality to declare, please contact Democratic Services / Member Support, who will arrange for this to be published on the website.

10. Decision Making

10.1. When reaching a decision on any matter, I:

- a) have due regard for any relevant advice provided to me by the council's Chief Finance Officer, the council's Monitoring Officer and/or their deputies.
- b) have due regard for any paper or report proposing the decision, including any appendices
- c) have due regard for the assessment of the impact on residents, particularly those with protected characteristics under the Equality Act 2010.
- d) I do not pre-determine decisions prior to their formal consideration.
- e) I give reasons for my decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the council.

11. Attending formal meetings

11.1. When attending a formal meeting of a committee of which I am a member, I:

- a) Will declare any relevant interest and abide by the rules relating to declarations of interest, as detailed below, such as not participating in the debate / leaving the room for the duration of the discussion, as required
- b) I do seek a dispensation prior to the meeting if I hold an interest but wish to remain present and/or participate in the debate, as per the guidance below.
- c) Follow the standing orders of any formal meetings I attend and the direction and advice of the Chair and/or the Monitoring Officer or their representative.
- d) I give reasons for my decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the council.

12. Declaration of Interests

- 12.1. I understand that I am personally responsible for deciding whether or not to disclose an interest.
- 12.2. I understand that failure to disclose a Disclosable Pecuniary Interest, as set out in Table 1, below, is a criminal offence under the Localism Act 2011, for which an individual councillor may be prosecuted.
- 12.3. I understand that, if I am aware, I must also disclose any Disclosable Pecuniary Interests, as set out in Table 1, below, held by my partner, spouse, civil partner and/or a person with whom I am living as husband or wife or as if we are civil partners and declare that they have the interest.
- 12.4. I will register any Disclosable Pecuniary Interest within 28 days of my election, re-election or being appointed as a member, in accordance with "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012".
- 12.5. I will also register and disclose any Personal Interests which fall within the categories set out in Table 2 'Other Registerable Interests' below.
- 12.6. I understand that, if I am aware, I must also disclose any Personal Interests, as set out in Table 2, below, held by my spouse, civil partner, parent, grandparent, child, grandchild, sibling, or anyone that I live with as a spouse or civil partner.
- 12.7. If, at any time, my interests change or I have a new interest, I will update my register of interests within 28 days.
- 12.8. I do review my interests annually, when requested to do so, to ensure that they remain correct.
- 12.9. I understand that if I hold a 'Sensitive Interest', which in my view, if disclosed, could lead to myself or a person connected with me to be subject to violence or intimidation, I must notify the Monitoring Officer and that the interest will be withheld from the public register, if the Monitoring Officer agrees it is sensitive.
- 12.10. If a matter arises at a meeting which directly relates to a Disclosable Pecuniary Interest held by me and included in my Register, I will disclose that I hold an interest and leave the room until the discussion and vote on the item is complete. This will be recorded in the minutes of the meeting.
- 12.11. If I wish to participate in the discussion and vote on an matter which directly relates to a Disclosable Pecuniary Interest held by me, including a Sensitive Interest, I will seek a dispensation from Standards Committee prior to the meeting at which the item I hold an interest in will be discussed. I acknowledge that dispensations may only be granted in limited circumstances.
- 12.12. If a matter arises at a meeting which directly relates to a Sensitive Interest held by me, I will disclose that I have an interest, but not provide details of what the interest is and will leave the room until the discussion and vote on the item is complete.

- 12.13. If a matter arises at a meeting which directly relates to a Personal Interest held by me, as detailed in Table 2, Other Registerable Interests, below, I will only speak on the matter if members of the public are also allowed to speak at the meeting. Where this is not the case I will leave the room until the discussion and vote on the item is complete, unless I have been granted a dispensation by Standards Committee prior to the meeting.
- 12.14. If a matter arises at a meeting which *directly relates* to my financial interests or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or the well-being of a relative or close associate, I will disclose the interest. I will only speak on the matter if members of the public are also allowed to speak at the meeting. Where this is not the case I will leave the room until the discussion and vote on the item is complete, unless I have been granted a dispensation by Standards Committee prior to the meeting.
- 12.15. If a matter arises at a meeting which *affects* my financial interests or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or the well-being of a relative or close associate or an organisation or body in which I hold a Disclosable Pecuniary Interest, I will disclose the interest. If I consider that the matter affects my financial interest or well-being to a greater extent than it affects the financial interests of the majority of the ward or borough's residents and I consider that a reasonable member of the public, knowing all the facts, might believe that it would affect my view of the matter, I will only speak on the matter if members of the public are also allowed to speak at the meeting. Where this is not the case, I will leave the room until the discussion and vote on the item is complete, unless I have been granted a dispensation by Standards Committee prior to the meeting.
- 12.16. If a matter arises at a meeting which I hold a Disclosable Pecuniary Interest in that I have not already disclosed, I will disclose the existence and details of the interest to the meeting, leave the room until the discussion and vote on the item is complete and formally notify the interest to the Monitoring Officer within 28 days of the meeting.
- 12.17. If I hold a Disclosable Pecuniary Interest in a matter which falls to me in the exercise of a function, such as an Executive decision, I will notify the Monitoring Officer of the interest and take no further steps in the matter other than arranging for it to be dealt with by someone else.
- 12.18. If I hold a personal interest in a matter which falls to me in the exercise of a function, such as an Executive decision, I will ensure that the written record of the decision includes a record of the existence and nature of my interest.

Table 1: Disclosable Pecuniary Interests:

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a councillor, or towards their election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts	Any contract made between the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body of which you are a member or in a position of general control or management <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.
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Your register of interests allows the public, local authority employees and fellow councillors to know which of your interests might give rise to a conflict of interest. Details of your interests will be published on the website and a copy of the register will be available for inspection at the Town Hall during working hours. Publication is a legal requirement, but it also protects you by allowing you to demonstrate openness and a willingness to be held accountable and ensures that decision making is seen by the public to be open and honest.

If an interest is not already included in your published register of interests and it relates to a matter under consideration at a meeting, you must disclose it at that start of the relevant agenda item and to the Monitoring Officer within 28 days following the meeting, but it can be helpful for you to know

before this time if others think that a potential conflict might arise and to allow time to seek a dispensation if you think it warranted.

If you cease to hold an interest, you should notify the Monitoring Officer who will remove the interest from your register.

13. Other Conflicts of Interest

13.1. Recordable Decisions

Executive Members are sometimes consulted before a Recordable Decision is made by an officer. If you hold an interest relevant to the decision being made, you must have obtained a dispensation from the Chief Executive in respect of the conflict of interest before taking part in the consultation and the details of your interest will be published in the Recordable Decision notice. You can, alternatively, choose not to participate in the consultation or comment on the decision being made.

14. Dispensations

14.1. In limited circumstances, in cases (a) and (d) below, Standards Committee can grant a dispensation to a member to allow them to speak and/or vote in respect of an item of business at a meeting where they have a Disclosable Pecuniary Interest under this Code.

14.2. Dispensation can only be granted where the statutory grounds apply. The statutory grounds are:

- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (c) granting the dispensation is in the interests of persons living in the council's area,
- (d) without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the Executive or a committee of the Executive, or
- (e) it is appropriate to grant a dispensation for some other reason.

14.3. A request for a dispensation must be submitted to the Council's Monitoring Officer in accordance with the council's procedure for dealing with Requests for Dispensations from Councillors. The Monitoring Officer will arrange for Standards Committee to be convened to consider requests for dispensations.

14.4. If you are a member of the Executive and the meeting is a meeting of the Executive or a committee of the Executive you will also need a dispensation from the Chief Executive under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Chief

Executive has issued a general dispensation that applies where a dispensation in respect of your Disclosable Personal Interest has been granted under this section of the Code so you will not need to make a special application.

- 14.5. The Chief Executive may grant a dispensation to Executive members to allow them to speak and/or vote in respect of other conflicts of interest arising at a meeting of the Executive or a committee of the Executive.

Related documents

The Council has adopted codes and protocols which do not form part of this Code but which deal with specific activities that Members may be required to carry out in the course of their duties' as a Councillor. You are required to comply with the latest version of these from time to time and any breach may be regarded as a breach of this Code:

- (a) The Member/Officer Protocol
- (b) Use of resources
- (c) Publicity Protocol
- (d) The Council's Use of IT policies and
- (e) The Council's Data Protection policies

Guidance

If you need further advice or guidance on interpretation of this Code or to apply for a dispensation, please contact the Monitoring Officer.

ISLINGTON CODE OF CONDUCT FOR EMPLOYEES

CODE OF CONDUCT FOR EMPLOYEES

Islington Council's CARE values



Islington are determined to make Islington fairer. To create a place where everyone, whatever their background, can reach their potential and enjoy a good quality of life.

We ask our employees to 'Be Islington', playing their part in working together for a fairer borough and to always be collaborative, be ambitious, be resourceful, and be empowering, and to demonstrate these values in all our working practices.

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PART ONE

1.0 Introduction

1.1 The role of Council employees is to serve the Council in providing advice, implementing its policies and delivering services to the local community. In performing their duties, Council employees must act with integrity, honesty, impartiality and objectivity. The public is entitled to expect the highest standards of conduct from all Council employees.

1.2 This Code is given to existing employees and new employees when they commence employment. If employees have any doubts or queries about what is acceptable conduct, or about anything else in this Code, they should raise these with their manager.

2. **The purpose of the Code and its status**

2.1 The following sections of this Part of the Code set out the implications of the Council's CARE values and core values for acceptable standards of behaviour by employees and the consequences of any failure to meet the standards to ensure:

- employees are clear about the Council's standards and expectations of them.
- employees deal appropriately with difficult and/or potentially compromising situations.
- employees to recognise their individual, collective and corporate responsibility to promote and encourage high standards of conduct throughout the authority.
- that the public receives the best from Council services.
- that members of the public are treated respectfully and promptly and have a say in the services provided.
- improved management of the Council and its services

2.2 This Code cannot cover all of the Council's expectations of its employees. The Council could not possibly function without its employees' loyalty, competence, integrity, professionalism and simple common sense all these are implicit in the Code.

2.3 Managers have a particular responsibility to make sure that employees are aware of the Code and its requirements, and its implications for their duties and that working arrangements, practices and policies support and are compatible with the Code

2.4 The Code forms part of employees' contracts of employment and action under the Council's Performance Management Procedures for misconduct and criminal convictions, and competence, may be taken in respect of any breaches of the Code.

2.5 Employees are expected to comply with the Code in all aspects of their work and in their lives outside work insofar as they may compromise their employment by the Council.

2.6 The Code does not place restrictions on employees' trade union activities, provided that these are reasonable, authorised by senior trade union branch officers, and are within the trade union facilities agreement.

2.7 The Code refers to a number of Council policies and procedures in respect of behaviour and the ways in which employees are required to work. Employees should refer to these for greater details on matters referred to in the Code. They can all be found on Izzi.

3. **Who is covered by the Code**

3.1 Part One of the Code applies to all employees of the Council.

- 3.2 Managers have a particular role and responsibility for assisting employees to meet the Council's standards and for taking action where standards are not met. Managers must take steps to ensure that they and all employees for whom they are responsible comply with the requirement of the Code. All managers are required to sign up to the Manager's Promise (available on Izzi).
- 3.3 Special requirements of the most senior employees (the Chief Executive, Corporate Directors, Assistant Chief Executives, Service Directors, Heads of Service and those managers who report directly to them) are set out in Part Two of the Code.
- 3.4 Although the Code is primarily addressed to Council employees the Council expects that anyone it engages or contracts to carry out any of its functions will abide by the spirit of the Code. These include:
- consultants and their employees
 - contractors and their employees
 - the Council's partners and their employees
 - employees of other organisations who have been seconded to work for the Council
 - agency staff
 - volunteers and individuals undertaking work placements or apprenticeships or similar roles
- 3.5 In the event that the Code is breached, consideration will be given to terminating, or seeking compensation under, the contract or other arrangement between the consultant / contractor / outside organisation and the Council, and/or referring the matter to the police or other relevant regulatory body.
- 3.6 The Code will apply to employees in education establishments where it has been adopted by the governing body.

4.0 Standards, service delivery and equality

- 4.1 In addition to high levels of performance, a good image is vital for the Council so residents and businesses can have confidence in the services provided.
- 4.2 As public servants, Council employees have a particular responsibility to look after public resources and property and their conduct inside and outside work must never undermine the trust and confidence the public and the Council need to have in them to carry out their work properly and conscientiously.
- 4.3 Employees are the Council's "ambassadors". Most contact with the Council is carried out with Council employees. It is vital, therefore, that the public finds this contact polite, competent, professional, friendly, helpful and trustworthy.

4.4 High standards

At all times employees are required to:

1. give the highest possible standard of service to the public and make service delivery their main priority
2. do nothing inside or outside their working hours which could undermine public confidence in them as Council employees and/or in the Council

3. work in the best interests of the Council, and the community it serves
4. do nothing which results in the Council (or any other public authority) being denied revenue to which it is entitled (see also paragraph 4.46)
5. follow Council policies and procedures, and meet laid down standards

4.5 Equality Issues

Islington is an equal opportunities service provider and employer. No form of discrimination is tolerated. All employees have a responsibility to promote and comply with the Council's equal opportunities policies and practices, including Dignity for All, and with the requirements of the law.

Council employees are required to:

1. make sure that the Council's equality policies are complied with and carried out.
2. treat all members of the community and other employees fairly and equally regardless of their sex, race, colour, national or ethnic origin, sexual orientation, religion and belief, age, disability, gender reassignment, pregnancy and maternity or marriage and civil partnership.
3. assist all members of the community so that they can benefit from the services on offer
4. never display in the workplace, nor allow others to display, sexist or racist material, or material which people could reasonably find offensive
5. tell their managers about anything which may be discrimination, bullying and harassment or victimisation of themselves, colleagues, or members of the community

Managers have a particular responsibility for making sure that:

1. services are delivered in a manner which effectively meets the Council's equality policies and that all groups within the community have equal access
2. employees can enjoy a working environment which is free of any discrimination
3. their Director/ Head of Service is informed about any incidents and/or complaints about discrimination, victimisation, or harassment

4.6 Attendance and Punctuality

1. Employees must report promptly at the appointed time at their designated workplaces, at the start of their working day and after any authorised breaks.
2. Employees who are prevented from reporting for work because of illness and/or injury must comply with the sickness notification/certification requirements detailed in their contracts of employment and/or as directed by their Director/Head of Service.

3. Employees who arrive late for work and appointments cause inconvenience and annoyance. Lateness for appointments with people who do not work for the Council (e.g. residents) reflects badly on the Council. Council employees must arrive for appointments on time, unless there are exceptional circumstances.
4. The Council's Smart Working policies set out the time keeping and whereabouts information requirements for staff when working away from the office.

Managers must:

1. Make sure that proper arrangements are in place for employees to record their start and finish times at work and their whereabouts during the day

4.7 Criminal Convictions/ Charges/ Investigations

Council employees

- who are the subject of a police investigation, arrested, charged with a criminal offence or receive a caution; reprimand or warning must immediately tell their line manager or a Senior Manager and keep them apprised of the situation. A self disclosure form must also be completed. (see izzzi <http://izzzi/council/aboutcouncil/performance-policy/policy/Pages/hr-az.aspx?Letter=D>)

This applies to all criminal matters whether or not they are related to work.

- who are the subject of civil proceedings need only tell their line manager/or a Senior Manager if the matter is likely to impact on their job role. For example an accounts manager who is declared bankrupt or a children's social worker whose child is the subject of a child care order should advise their line manager / Head of Service immediately.¹

4.8 Behaviour at Work

1. The way employees behave at work directly affects the service, colleagues, the workplace, and the public's perception about Council services.
2. Council employees must always:
 - show respect for the public and colleagues and behave in a way which cannot reasonably cause offence to anyone
 - exercise self-control never behave in a loud, aggressive and angry manner, nor use foul and abusive language

4.9 Dress

1. The manner in which employees present themselves at work directly affects the Council's image, their colleagues and the service and should be appropriate for the work they are carrying out for the Council. Therefore, Council employees are required to:
 - be clean, tidy and presentable at all times and comply with the requirements of local managers in relation to appropriate dress for their service and work role.

- always wear uniform or protective clothing if these have been issued, or made available for particular tasks, and make sure that these are clean and in good repair.
 - always have regard to the health and safety implications of what they wear e.g. the need for safe footwear.
2. Employees may follow the traditions of their ethnic/cultural/religious background provided they are safe and appropriate to the job. This must be discussed with appropriate managers to make sure there are no health and safety implications.

4.10 Name badges

Employees must always wear their name badges at work (unless their Director/Head of Service has specifically agreed that they may carry it instead).

4.11 Driving

Employees who have to drive in the course of their work must:

1. avoid making unnecessary and short journeys by car it is better for the environment to use public transport, cycle or walk.
2. always drive courteously and according to the laws and rules of the road
3. comply with the Council's policy on drugs and alcohol
4. never drive having consumed prescription, or over the counter drugs, if there is a risk that their ability to drive could be affected
5. always make sure that vehicles are roadworthy, well maintained, appropriately insured, taxed, and suitable for the purposes for which they are being used
6. immediately advise their manager if they are stopped by the police whilst driving a Council vehicle
7. immediately advise their manager if they are involved in a road traffic accident in the course of their work
8. avoid incurring a parking ticket in the course of their work, and advise their manager if they are issued with one
9. have regular eye tests and advise their manager of any health issues which may affect their driving

4.12 Smoking

All employees are required to comply with the Council's no smoking policy.

4.13 Alcohol and Drugs

1. It is Council policy that employees must not consume alcohol or take drugs (other than prescribed or over the counter drug) during working hours (including lunchtimes and other breaks) and must not work under the influence of either of these.
2. Employees must consult their GPs for advice on the effects any legal medication may have on their ability to perform or conduct themselves at work, and advise their

managers accordingly.

3. Employees must inform their manager or Director or Head of Service if they have genuine reason to believe that a colleague may have an alcohol, drug or substance misuse problem.
4. Employees who think that they may have an alcohol, drug or substance abuse problem, can seek support through the employee assistance programme.

4.14 Health and safety

- 1 All employees must:
 - carry out their work in a safe and proper manner having regard at all times for their own health and safety and that of colleagues and the public
 - be familiar with health and safety law, which is displayed in all workplaces, and the Council's Health and Safety Policy Statement
 - comply with the health and safety regulations relating to the particular task(s) they are carrying out
 - complete the health and safety training applicable to their jobs which the Council provides
- 2 Managers must make sure that their employees work in a safe place, with safe methods, and must be familiar with the Council's Health and Safety Policy Statement and their responsibilities within it.

4.15 Personal financial affairs

1. All employees must:
 - not conduct their personal finances in a way which results in Islington Council, or another public body, being defrauded (this includes claiming Housing Benefit to which they are not entitled; failing to register for Council Tax; occupying Council property unlawfully)
 - keep up to date with Council Tax, rent and service charges due to this and any other Council the Council will use any powers available to it to reclaim monies, including attachment of earnings
 - avoid being the subject of legal action which may bring the Council into disrepute and/or undermine the relationship of trust and confidence between the employee and the Council.
2. Employees should note that:
 - employment and payroll data held by the Council may be used to identify employees with debts to the Council, including rent, commercial rent, Council tax, leasehold service charges, Business Rates, Right to Buy Insurance, Housing Benefit etc.

5. Criminal activities

Employees are required to report any criminal activities by their colleagues in the course of their employment.

6. Communication

6.1 The Council could not function without efficient and effective communication between staff, between service areas, between councillors and staff and between staff and the public. Training in communication skills is therefore available. The Council's communications systems include:

- external and internal post
- telephone for internal and external calls
- fax
- email
- Internet
- Intranet
- Virtual meeting technology

6.2 The Council has email and internet policies and guidelines. Employees must read and sign up to these before they use email and the internet.

6.3 Employees' names, designations and service areas will be available to the public.

6.4 Communications may be intercepted where appropriate. This may include monitoring (and recording) of telephones, the internet and email.

7.0 Political neutrality

7.1 Employees are expected to serve the whole Council regardless of their own political views and, must:

- serve the authority as a whole and ensure that the individual rights of all Councillors are respected
- advise and support Councillors (if they are required to do this as part of their jobs) in a way which does not compromise the employees' political neutrality
- comply with Council policy when at work, and not allow their personal political views to interfere with the way they carry out their duties
- not use their workplace to promote/further personal political issues, or wear or display any material for any political or pressure group (unless they are required as part of their job to mount specific campaigns on behalf of the Council without compromising their political neutrality). This does not preclude the wearing or displaying of trade union identification/membership.
- be aware of the political restrictions imposed by the Local Government and Housing Act 1989 (as amended) on certain posts and how the Council's constitution might affect their jobs. If you want to check whether your post is on the list of politically restricted jobs, you should contact HR Advice or your Human Resources Business Partner.)²

7.2 All Employees must be familiar with and behave in accordance with the requirements of the Protocol on Member/Officer relations in Part 6 of the Council's Constitution and the Council's Declaration of Interest Policy.

8.0 Relationships

8.1 Employees' relationships with Councillors

Employees should be aware that close personal familiarity between employees and individual Councillors can damage their professional relationship and compromise efficient working. Where such a relationship occurs, the employee must bring it to the attention of their Director or Head of Service personally and in confidence so that the implications for the Council can be discussed and action taken to avoid any difficulties it may present, as set out in the Council's Declaration of Interest Policy.

This does not interfere with employees' rights, if they are Islington residents to correspond with their ward Councillors or constituency MPs on ward and constituency matters.

8.2 Managers' relationships with their staff

Similarly, close personal familiarity between managers and members of their staff can compromise efficient and proper working, and morale in the workplace. Where such a relationship occurs, the manager must bring it to the attention of their Director or Head of Service personally and in confidence so that the implications for the Council can be discussed and action taken to avoid any difficulties it may present, as set out within the Council's Declaration of Interest Policy.

8.3 Declaration of Interest, conflicts of interest arising from any activity or action internally or externally which an employee or their close relations is engaged in which could affect the Council's reputation.

- 1 Managers must make sure that ethical standards are embedded in to the Council's relationships with stakeholders, including outside bodies and partners. External suppliers and service providers are required to operate to public sector standards e.g. not offering or providing inappropriate gifts or hospitality to Council employees. Managers should regularly review and keep up to date the list of employees to be held on the Declaration of Interest register, and to assess and take action to mitigate identified conflicts.
- 2 Contracts must be awarded on merit, by fair competition against other tenderers in accordance with the Council's Procurement Rules, and no special favour must be shown to businesses run by, for example, friends, partners, and relatives.
- 3 Employees must be aware of and assess all their personal actions and activities while performing their duties for the council, for any conflict of interest. Where apparent, they should refer to the Declaration of Interest policy, complete the form and contact their manager to assess the conflict of interest.
- 4 Employees must notify their Director or Head of Service of any relationship (business or private) they or a close relative may have, or may have had, with an external contractor or potential contractor, so that the implications for the council can be discussed and action taken to avoid any difficulties it may present, as set out within the council's Declaration of Interest Policy.
- 5 Notification under 8.3 (3) and (4) must be in writing using a Declaration of Interest form found on the intranet . The Director or Head of Service is responsible for reviewing and approving positive response forms, ensuring the notification is provided to Human Resources who will maintain a central record.

9. Selection and recruitment (including equal opportunities) and other employment matters

9.1 Employees involved in the recruitment and appointment of employees, including agency workers, must ensure that appointments are made on the basis of merit. In order to avoid any accusation of bias, employees must not be involved in any appointment, or any other decision relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related or with whom they have a close personal relationship outside work.

9.2 All Council appointments must be made on merit and in accordance with the Council's Selection and Recruitment Procedures.

9.3 *Providing references*

References given to other employers on behalf of the Council must be signed by the appropriate Director or Head of Service, or other nominated senior manager in the service, on Council headed paper with an official stamp. Employees may give personal references but these must never be on Council stationery and must not imply that they are Council references. Any personal reference must make it clear that it is provided on a personal basis.

10.0 Outside commitments and personal interests.

1. Employees must not allow their private interests or beliefs to conflict with their professional duty.
2. Employees' off-duty hours are their personal concern, but they must not subordinate their Council duties to their private interests, or put themselves in a position where they may appear to conflict. Any additional employment, or voluntary work, must not, in the Council's view, be at the expense of the Council's interests, or undermine public confidence in the Council's affairs. Where a conflict of interest arises, the Declaration of Interest policy should be referred to.

10.1 *Additional appointments (paid or unpaid)*

Employees must inform their managers of any activity or work outside their Council employment. This includes appointment to organisations which are funded or grant aided by the Council.

10.2 *Conflicts of interest between employees' activities outside and inside work*

Employees must:

- report any financial and nonfinancial interest the employee may have, as set out in the Declaration of Interest policy by using the Declaration of Interest form.
- report any family tie, social or business relationship, with an organisation (or people who work for that organisation) or if the employee, in any way, provides advice to Councillors or senior management on the management or funding of that organisation or is involved in the administration of the contract or other arrangement governing the council's relationship with the organisation. Where a conflict of interest arises, the Declaration of Interest policy should be referred to and a Declaration of Interest form completed.

10.3 *Employees who serve on Council funded voluntary organisations*

Such employees must advise their Director or Head of Service of any potential conflict of interests using the Declaration of Interest form.

11.0 Best value, tendering, outsourcing, partnerships etc.

Employees who are involved in tendering, outsourcing, partnerships, the awarding of contracts, dealing with contractors, etc. must:

- be aware of and follow the Procurement Rules set out in the Constitution and any other relevant procedures
- be clear on the separation of client and service provider roles
- not disclose confidential information to any unauthorised party or organisation
- exercise fairness and impartiality when dealing with potential service providers
- not participate in any employee/management buyout of Council services without the written express approval of the Council or within two years of leaving employment of the Council
- not show special favour to current or former employees or their partners, friends, relatives, or associates in outsourcing to businesses run by them in a senior or relevant managerial capacity
- comply with the confidentiality arrangements of the Council's partner organisations
- discuss any problems with their Director or Head of Service if they are unclear whether or not they may be compromised in relation to the awarding of contracts

12.0 Financial procedures and use of financial resources

12.1 Employees must:

- ensure that they use any public funds entrusted to them in a responsible and lawful manner.
- always try to obtain value for money and avoid legal challenge to the Council
- be conversant with and comply with the Council's Financial Regulations set out in the constitution

12.2 Managers must make sure that their employees are aware of and comply with the Council's Financial Regulations and Declaration of Interest procedure, by completing the Council's standard declaration of interests form on izzi within 28 days of taking up their appointment. These employees should be asked to review and update their declaration at least once a year. This applies to anyone in a senior management role, anyone engaged in procuring contractors or services and anyone engaged in commissioning grants or goods.

12.3 Managers must ensure that the financial procedures and practices for which they are responsible conform to the Council's regulations and are secure against theft and fraud. Advice must be sought from the Chief Internal Auditor if there is any doubt.

13.0 Safeguarding Council property

13.1 Employees must:

- only use Council property, vehicles or other facilities for Council purposes and according to instructions

- not remove Council property, including laptops and phones, from Council premises unless authorised to do so, for example for the purposes of Smart Working
- secure Council property against theft/loss/damage
- report any theft/loss/damage of Council property

13.2 Managers must inform the Chief Internal Auditor of any theft of Council Property and they will advise on whether or not the police should be involved.

13.3 The Council's property includes its "Intellectual property" which includes inventions, creative writings and drawings, including those created by an employee in the course of their duties.

14.0 Gifts and hospitality

14.1 It is a serious criminal offence for employees to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything in connection with their duties. This also applies to showing favour or disfavour. If it is alleged that an employee has corruptly accepted such a reward it will be for them to demonstrate that this is not the case.

14.2 Hospitality includes drinks, meals, entertainment, overnight accommodation, travel and holidays, but not a lift in a private or company car or in a taxi, or light refreshment in the course of official duty.

14.3 The following rules apply to any gifts and hospitality, including those provided on a basis where employees reimburse all or any part of the costs.

14.4 Employees must not accept or solicit from any member of the public, firm or organisation with whom the Council has had, is having, or may in the future have any dealings:

- a. any gift (other than an inexpensive seasonal gift, such as a calendar or diary for use in the office); or
- b. any hospitality

without the written authorisation of their Corporate or Service Directors or Heads of Service .

14.5 The Chief Executive, Corporate and Service Directors and Heads of Service will not accept or authorise the acceptance of any such hospitality unless they are satisfied that the hospitality is not offered with any intention to corrupt, or could be seen to be intended to corrupt, and its acceptance is in the interests of the Council. As a general rule, participation in activities paid for by firms outside office hours or whilst on leave is not considered to be commensurate with employment with the Council.

14.6 All employees must record via the on-line register on Izzi any gift or hospitality they are offered or receive with a value of £25 or more or exceeding such other limits as notified Izzi from time to time. This includes any gift or hospitality that is declined or donated, for example to the Mayor's Charity

15.0 Sponsorship giving and receiving

15.1 Where an outside organisation wishes to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

15.2 Where the Council wishes to sponsor an event or service no employee nor any partner, spouse or relative must benefit from such sponsorship, directly or indirectly, without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and there is no conflict of interest involved. Where a conflict of interest arises, the Declaration of Interest policy should be referred to and a Declaration of Interest form completed.

16. Confidentiality and disclosure of information

16.1 Although the Council aims to operate in an open and transparent way, some information held by the Council is confidential or sensitive and therefore not appropriate to a wide audience and the Council may be subject to statutory or common law obligations to keep it confidential. On the other hand the Council is also subject to obligations to release information in some circumstances, for example under the Freedom of Information Act.

16.2 *Employees' responsibilities for confidential information*

Managers must make sure that they have secure systems in their work place to safeguard confidential information and that their employees maintain confidentiality at all times. They must also comply with the Council's policies and practices under the Data Protection Act 2018 and UK GDPR 2021 Article 6.

Employees must:

- be aware of the implications of the Data Protection Act 2018 and UK GDPR 2021 on the use, maintenance, transfer and disclosure of personal information about employees and the public
- not disclose any confidential information (including intellectual property) to anyone outside the Council, and make sure that this information is kept securely this applies while working for the Council and after they leave
- not disclose confidential information to colleagues unless there is proper authority
- take all reasonable steps to protect and safeguard confidential documents etc, particularly if they need to be taken outside the usual workplace

16.3 *Information concerning people using Council services*

To a large extent, service delivery relies on the people who receive Council services having confidence that information on their private affairs, the contents of their homes and business premises, their circumstances, situations and lifestyles, will be treated with discretion.

16.4 Accordingly, employees must:

- treat information about people using Council services with the utmost confidentiality and in accordance with the Data Protection Act 2018 and UK GDPR 2021 this information must not be passed to anyone who is not authorised to receive it
- not discuss private homes and/or business premises they may have to go to in the course of their work except where they can say that such a discussion is necessary for service delivery, or is necessary by law

16.5 *Personal information about colleagues*

Employees must keep personal details and work records of other employees confidential, and must not reveal these to third parties without authority, or unless the permission of the employees concerned has been obtained, or where it is required by law in accordance with the Data Protection Act 2018 and UK GDPR 2021.

16.6 Personal information about Councillors

Employees must keep to themselves information received from a Councillor which is personal to that Councillor and has nothing to do with the Council, except where the Councillor gives permission for the information to be disclosed, or where disclosure is required by law.

16.7 Giving information to the media

1. Under no circumstances can employees communicate directly with the media (e.g. national and local papers, press agencies, radio, television stations professional journals) about their work, or matters concerning the Council, unless specifically authorised to do so by the Chief Executive.
2. Employees must refer any approach by the media for an interview, an article and/or comment on Council affairs, to the Council's Communications Officers.
3. Nothing in these paragraphs prevents senior trade union officials from contacting the media in relation to appropriate trade union activities.

16.8 Information concerning competitive tendering, Council procurement activities and best value.

16.11 No business can allow its competitors to know how its business operates how it calculates its charges and costs, and what its tender price may be. Information of this kind tells competitors how to undercut the Council's tender. The Council must of course always comply with its Freedom of Information Act obligations.

16.12 Therefore, employees must:

1. Remember that a crucial part of preparing for competitive tendering or best value' activities is keeping commercial information confidential, as each affected workforce may be in competition with businesses outside the Council
2. Seek the agreement of the appropriate Director/Head of Service before any information concerning competitive tendering or best value' exercises is released
3. Not use any information obtained in the course of their work for personal gain or benefit, nor pass it on to anyone else who may use it in this way

16.13 Employees who are unsure whether or not to disclose information

1. Employees must ask their manager for advice if there is any doubt as to whether or not information should be disclosed.
2. Employees must ask their manager for advice if there is any doubt as to whether or not information should be disclosed.
3. If an employee receives a request which is not covered by their department's Information Sharing Agreement, they should firstly contact their Information Governance Officer (IGO) or forward the request to: FOIA@islington.gov.uk.

17. Malpractice/ fraud/ corruption/ whistleblowing (Public Interest Disclosure Act)

17.1 Where an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter under the Council's whistleblowing policy which is available on Izzi. This policy sets out the protection available to employees who make disclosures and the protection available under the law

18. Provisions applicable to procurement officers

18.1 Procurement officers are required to complete and keep up to date a standard declaration of pecuniary and personal interest for yourself and your partner (if applicable) for inclusion in the public register kept by the Chief Executive.

PART TWO

19.0 Application of this Part

19.1 This Part of the Code applies to the Chief Executive, Corporate Directors, Assistant Chief Executives, Service Directors and Heads of Service ("Senior Employees") in addition to Part One.

20.0 Values for Senior Employees

20.1 Impartiality of officers of the authority

Senior Employees must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the Council, either directly or as a response to pressure from others. Senior Officers should not attempt to force employees to take action or change advice if doing so would prejudice their professional integrity.

20.2 Improper use of position

Senior Employee must not use, or attempt to use, their position improperly either for their or anybody else's advantage or disadvantage.

20.3 Considering advice provided

If a Senior Employee seeks advice, or advice is offered to them, on aspects of how the employees' Code applies, the Senior Employee must have regard to that advice.

21.0 Personal interests

21.1 Senior Employees must follow the Declaration of Interest policy and complete a Declaration of Interest form on Izzi, within 28 days of taking up their appointment, any interests set out in the categories below. This record of interest must be in writing, to the Council's Monitoring Officer. The registration of interests protects the qualifying employee by giving early warning of any possible areas of conflict of interest and provides assurance to the public that the qualifying employee is acting transparently. Only registration of personal interests in areas where there are clear grounds for concern that such an interest could give rise to accusations of partiality in decision making and working practice of the authority are required.

These are:

- Membership, or position of control or management, in bodies exercising functions of a public nature (that is, carrying out a public service, taking the place of a local or central governmental body in providing a service, exercising a function delegated by a local authority or exercising a function under legislation or a statutory power).
- Any business the employee might own or have a share in, where that shareholding is greater than £25,000 or if the employee has a stake of more than 1/100th of the value or share capital of the company.
- Any contracts between the authority and any company the employee has an interest in, as above.
- Any land or property in the authority's area in which the employee has a beneficial interest.

These interests must be declared using the Declaration of Interest form on izzi and will be included in the public register kept by the Chief Executive.

- 21.2 Senior Employees may seek to exempt their personal interests from the register of interests if they consider, for instance that having this information on record might put themselves or others at risk. In such cases, the Senior Employee should discuss the matter with the Monitoring Officer.

22.0 Prejudicial interests

- 22.1 A prejudicial interest is considered to be a matter which affects the Senior Employee's financial interest or relates to a licensing or regulatory matter in which they have an interest and where a member of the public, who knows the relevant facts, would reasonably think that the employees personal interest is so significant that it is likely to prejudice their judgement of the public interest.
- 22.2 A prejudicial interest in a licensing or regulatory matter may stem from a direct financial interest or from a more tangential interest, where for instance approval for a licence may affect a body with which the Senior Employee has a personal interest or will affect them personally.
- 22.3 Senior Employees with a prejudicial interest should declare such an interest. Where possible, they should take steps to avoid influential involvement in the matter. Where this is not possible, their prejudicial interest should be made clear.

PROTOCOL ON MEMBER/OFFICER RELATIONS

PROTOCOL ON MEMBER/OFFICER RELATIONS

1. INTRODUCTION

- 1.1 The relationship between Councillors and officers is an essential ingredient of the successful working of the organisation. This relationship is characterised by mutual respect and trust. Councillors and officers should feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help Councillors and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. All Members and officers should operate in compliance with the protocol. Responsibility for upholding the protocol rests with Group Leaders in relation to elected Members within their Group and with the Chief Executive and Director of Law and Governance (as Monitoring Officer) in relation to staff, although all individuals are responsible for their own compliance with the Protocol.
- 1.2 The Protocol must be read and operated in the context of any relevant legislation and the Code of Conduct for members and staff. If members or officers are in any doubt about issues they should seek advice from either the Chief Executive or Director of Law and Governance.
- 1.3 References in this protocol to Chief Officers are to the Chief Executive, Corporate Directors, Directors and Heads of Service and other non-administrative officers reporting directly to Corporate Directors.

2. ROLES OF COUNCILLORS AND OFFICERS

- 2.1 The respective roles of Councillors and officers can be summarised as follows:

Councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and to the authority and to carry out the authority's work under the direction and control of the Council, the Executive and relevant committees etc. Officers are accountable to the Head of the Paid Service, who is the Chief Executive.

Mutual respect between Councillors and officers is essential to good local government.

- 2.2 Councillors

Councillors have four main areas of responsibility:

- (a) determining the policy of the authority and giving it political leadership;
- (b) monitoring and reviewing the performance of the authority in implementing that policy and delivering services;
- (c) representing the authority externally; and
- (d) acting as advocates on behalf of their constituents.

It is not the role of Councillors to involve themselves routinely in the day-to-day management of the authority's services. They should not seek to give instructions to officers outside their areas of responsibility or terms of reference of their Committee.

2.3 Members of the Executive, Chairs and Vice-Chairs

Members of the Executive and Chairs and Vice-Chairs of Scrutiny and other bodies have additional responsibilities. Although they may have different relationships and more regular contact, these Councillors must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which would prejudice that impartiality.

2.4 Opposition Councillors

As individual Councillors, all Councillors have the same rights and obligations in their relationship with officers and should be treated equally. This principle is particularly important in the context of the work of Scrutiny Committees.

2.5 Officers

The role of officers is to give advice and information to Councillors and to implement the policies determined by the authority.

Certain officers, e.g. Chief Executive, the Corporate Director of Resources and the Director of Law and Governance have responsibilities in law over and above their obligations to the authority and to individual Councillors. Councillors must respect these obligations, must not obstruct officers in the discharge of these responsibilities and must not victimise officers for discharging these responsibilities.

3. EXPECTATIONS

3.1 Councillors can expect from officers:

- (a) A commitment to the authority as a whole, and not to any political group or individual Councillor;
- (b) A working partnership;
- (c) An understanding of and support for respective roles, workloads and pressures;
- (d) Timely response to enquiries and complaints in accordance with agreed standards;

- (e) Professional advice, not influenced by political views or preference;
- (f) Regular, up-to-date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
- (g) Awareness of and sensitivity to the political environment;
- (h) Respect, dignity and courtesy;
- (i) Training and development in order to carry out their roles effectively;
- (j) Integrity, mutual support and appropriate confidentiality;
- (k) Not to have personal issues raised with them by officers outside the agreed procedures;
- (l) That officers will at all times comply with the relevant Code of Conduct;
- (m) Support for the role of Councillors as the local representatives of the authority.

3.2 Officers can expect from Councillors:

- (a) A working partnership;
- (b) An understanding of and support for respective roles, workloads and pressures;
- (c) Political leadership and direction;
- (d) Respect, dignity and courtesy;
- (e) Integrity, mutual support and appropriate confidentiality;
- (f) Not to be subject to bullying or harassment. Councillors should have regard to the seniority and experience of officers in determining what are reasonable requests, having regard to the powerful relationship between Councillors and officers and the potential vulnerability of officers, particularly at junior levels;
- (g) That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- (h) That Councillors will not publicly name officers or make detrimental remarks about officers during public meetings;
- (i) That Councillors will at all times comply with the relevant Code of Conduct.

3.3 Limitations upon behaviour

The distinct roles of Councillors and officers necessarily impose limitations upon behaviour. By way of illustration and not as an exclusive list:

- (a) Close personal relationships between Councillors and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular Councillor or officer may secure advantageous treatment;
- (b) The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues;
- (c) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

4. PROVISION OF INFORMATION

4.1 Requests for written information

- (a) Councillors should be provided with adequate information about services or functions upon which they may be called upon to make or scrutinise decisions, or which affect their constituents. In the normal course of events, this information will be made routinely available by officers in the form of reports, departmental plans etc. Members are encouraged to make use of existing sources of information wherever possible. This paragraph does not apply to draft reports.
- (b) In addition, any Councillor may ask the relevant Chief Officer for factual information about a service. These requests will be met where the Councillor has a legal right to the information. If that right arises under the Freedom of Information Act, the Councillor shall not be required to make a formal FOI request. All such information should be provided within 10 working days of the date of receipt of the request. In circumstances where this is not practical, the Officer shall write to the Councillor within 10 days explaining why not and provide an alternative time scale.
- (c) Written information supplied to a Councillor regarding the implications of current Council policies or containing statistical information about Council services shall also be copied to the relevant Executive member.
- (d) The Leader of the Council or Leader of any other political group that may be formed, may request the Chief Executive or the relevant Corporate Director, or other designated officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information relating for instance to casework or personal details of applicants for services. Wherever possible, but subject to any overriding legal requirements, such requests will be met. However, if the officer considers that the cost of providing the information, or the nature of the request is unreasonable, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups.

- (e) Officer reports to a political group will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group.

4.2 “Briefings”

- (a) In order for them to discharge their responsibilities as Executive members, administration portfolio holders will be briefed by Chief Officers on service issues, proposals and policy development. Chief Officers may from time to time nominate other officers to attend these meetings. These informal meetings may be on a one off or regular basis, in accordance with the requirements of the Councillor concerned.
- (b) Opposition groups (if any) may also have nominated portfolio leads and if those leads so request, the relevant Chief Officers will make themselves available to meet with them to brief them on service issues. Any Opposition groups may, if they wish, request the Chief Executive to convene a joint meeting of the Opposition portfolio holders and CMB once the Executive agenda has been published in order to brief the opposition on the matters arising from it. The Leader of the Opposition (if any) shall give the Chief Executive at least one week’s notice of any request unless the meetings are prearranged on a standing basis.
- (c) The content of these informal briefing sessions shall remain confidential as between officers and the political group concerned.

4.3 “News” items

- (a) When an event or development occurs in the borough which has or will have a significant impact on the Council or Islington residents, the Chief Executive will ensure that the Leaders of all political groups are informed as soon as possible.

4.4 Ward Councillors

- (a) Chief Officers will ensure that ward Councillors are given information relevant to their ward on a regular basis. As well as letting ward members know when there has been a specific incident in their ward, ward members should be routinely notified about the following types of issue:
 - Public consultation events affecting their wards;
 - Proposed changes to services sited within their wards;
 - Proposed significant traffic management orders;
 - Proposed anti-social behaviour dispersal orders.
- (b) Ward Councillors shall be invited to public events, such as openings, festivals etc, in their wards. Such invitations shall be extended on a non party political basis. The Communications Department will advise members where possible of photo shoots taking place in their wards.

4.5 Officer Attendance at Group Meetings

- (a) The Leader of the Council or Leader of any other political groups may ask the Chief Executive or relevant Corporate Director, or other designated officers to give or arrange a private and confidential briefing for the party group on a matter of relevance to the Council;
- (b) Any briefing offered to or requested by a party group will be offered to any other party groups. Where possible such briefings should be to all or a combination of party groups;
- (c) No officer of the Council shall attend any political group meeting which includes non-Council members;
- (d) Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group.

5. RESOLUTION PROCEDURES

5.1 Procedure for officers

From time to time the relationship between Councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager, officers can have recourse to the Chief Executive, as appropriate to the circumstances. Officers also have recourse to the Council's Whistleblowing Procedure or can refer the matter to the Monitoring Officer if they consider that a Councillor has broken the Code of Conduct.

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 may be taken other than in accordance with the Chief Executive's Handbook.

6. UNION ACTIVITIES/REPRESENTATIVES

6.1 Officers may well belong to a trade union and/or political party. The mere fact of such membership will not of itself put an officer in breach of this protocol. However, they are nevertheless under a duty whilst carrying out their Council duties to abide by the officers' Code of Conduct and treat members in a professional and impartial manner.

6.2 Those officers who are union representatives may have a number of different relationships with members. Whenever those relationships arise from their position as union representatives of Council staff, the provisions of this code will still apply.

6.3 Union representatives shall be entitled to speak to the press directly about matters on which they or the union as a whole has an interest.

PUBLICITY PROTOCOL

PUBLICITY PROTOCOL

1 Introduction

- 1.1 This Protocol outlines the legal requirements in respect of publicity issued by the Council or using the council resources and the support available to members and officers to ensure they comply with the legal requirements.
- 1.2 Islington is a high profile local authority and attracts a lot of media attention. The Council's Communications Team is here to advise and support councillors and officers and to maintain and improve the Council's corporate reputation by leading the development, implementation and delivery of an effective media relations service for the Council.
- 1.3 The media is a channel for communicating with Islington Council's many varied stakeholders and has a strong influence over how people view the Council and its services. It is therefore crucial that media communications are managed effectively and with due regard for the legal restrictions that the whole Council, led by the media office, must work under and be clear about.

2 The Legal Position

- 2.1 Publicity issued by a local authority is subject to a number of constraints imposed by Section 75 of the Representation of the People Act 1983, section 2 of the Local Government Act 1986 (as amended) and the Recommended Code of Practice on Local Authority Publicity issued under section 4 of that Act. The Code was amended in 2001 to reflect the changes made to local authority arrangements, in particular, the creation of the Executive as a body distinct from the rest of the Council.
- 2.2 Section 75 of the Representation of the People Act 1983 makes it a criminal offence for the Council to incur any expense with a view to promoting the election of a candidate on account of:
 - circulars, publications and advertisements;
 - otherwise presenting the candidate or their views;
 - disparaging another candidate.
- 2.3 The overarching principle contained in section 2 of the Local Government Act 1986 is that no publicity must be issued by a local authority which "*appears to be designed to affect support for a particular political party*". As well as refraining from issuing such material itself, a local authority must not give anyone else financial assistance to publish such material.

In deciding whether this principle is breached, account will be taken of the content and style of the material, the time when it is issued and whether or not it refers to a particular party or person identified with it, or whether it promotes or opposes a point of view that is politically controversial.

3 The Code of Recommended Practice

- 3.1 Section 4 of the Local Government Act 1986, provides for the Secretary of State to issue codes of recommended practice as regards the content, style, distribution and cost of local authority publicity. The Council is required to have regard to the provisions of any such code in coming to any decision on publicity. The Code is set out at paragraph 5 below.
- 3.2 The Communications Team will advise all councillors on media relations but cannot support councillors on media relations in respect of views which do not reflect council policies or affect public support for a political party or the promotion of individual councillors.
- 3.3 If members need any assistance with determining what would be considered lawful or unlawful they should contact the Monitoring Officer.

4 Use Of Council Resources For Publicity Or Other Political Purposes

- 4.1 The functions of the Council are derived from statute and are discharged by the Council corporately. This means that individual councillors (who, as a body make up the Council) can only use council resources for the purposes of the Council's functions.
- 4.2 Councillors may use council resources for carrying out their duties as members of the Council, including:
- (a) individual casework on behalf of the constituents;
 - (b) those arising out of their membership of committees, sub-committees, working parties and other council bodies;
 - (c) those arising out of their position as chair of a committee or sub-committee;
 - (d) as the appointed council representative on external bodies.
- 4.3 The Council can provide resources (such as stationery, secretarial services, communication facilities and transport) to enable councillors to carry out their duties as members of the Council.
- 4.4 However, councillors must ensure that those resources are used strictly for their duties as members of the Council and for no other purpose, for example individual publicity or for publicising their political party or publicity campaigns designed to affect support for their or another political party. The Code of Conduct for Members prohibits the use of council resources improperly for party political purposes. It requires members to have regard to the Code and to act in accordance with the Council's reasonable requirements.
- 4.5 As a general rule, no circular letters written by any councillors using council resources either in their 'production or in their distribution' should be sent out. Any information that needs to be communicated to the public in relation to council business will be done by an appropriate officer.
- 4.6 It may in some circumstances be appropriate for Executive members to communicate directly in writing with members of the public in their capacity as Executive members responsible for specific policy changes or service developments (whether this relates to

increases or reductions in service levels and whether such policy changes may be perceived as having a positive or negative impact); care must be taken to ensure that such communications are factually accurate and politically neutral. No such communications should be disseminated in the period between the publication of a notice of election and the date of election.

- 4.7 If members need any assistance with determining what would be considered lawful or unlawful they should contact the Monitoring Officer.

THE CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

Introduction

1. This code applies to all local authorities in England specified in section 6 of the Local Government Act 1986 and to other authorities in England which have that provision applied to them by other legislation. Where the term “local authorities” is used in this code it should be taken as referring to both those categories of authority. References to “the Act” are to the Local Government Act 1986.
2. Local authorities are required by section 4(1) of the Act to have regard to the contents of this code in coming to any decision on publicity. Section 6 of the Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. The code therefore applies in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newsheets and maintenance of websites – including the hosting of material which is created by third parties.
3. Nothing in this code overrides the prohibition by section 2 of the Act on the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Paragraphs 21 to 24 offer some guidance for local authorities on the management of publicity which may contain or have links to party political material.

Principles

4. Publicity by local authorities should:
 - be lawful;
 - be cost effective;
 - be objective;
 - be even-handed;
 - be appropriate;
 - have regard to equality and diversity;
 - be issued with care during periods of heightened sensitivity.

Lawfulness

5. Local authorities should ensure that publicity complies with all applicable statutory provisions. Paid-for advertising must comply with the Advertising Standards Authority's Advertising Codes.
6. Part 3 of the Communications Act 2003 prohibits political advertising on television or radio. Local authorities must ensure that their publicity does not breach these restrictions.
7. Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a local authority of material relating to a referendum under Part 7 of that Act, during the period of 28 days immediately before the referendum is held.
8. Regulation 5 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089) prohibits local authorities from publishing material in the 28 days immediately before a referendum which expresses support for, or opposition to a particular answer to a referendum question relating to the constitutional arrangements of the authority.
9. Regulation 15 of the Local Authorities (Referendums, Petitions and Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the authority, or to assist others to publish such material.

Cost effectiveness

10. In relation to all publicity, local authorities should be able to confirm that consideration has been given to the value for money that is being achieved, including taking into account any loss of potential revenue arising from the use of local authority-owned facilities to host authority publicity.
11. In some circumstances it will be difficult to quantify value for money, for example where the publicity promotes a local amenity which is free to use. In such a case authorities should be able to show that they have given thought to alternative means of promoting the amenity and satisfied themselves that the means of publicity chosen is the most appropriate.
12. If another public authority, such as central government, has issued publicity on a particular topic, local authorities should incur expenditure on issuing publicity on the same matter only if they consider that additional value is achieved by the duplication of that publicity. Additional value might be achieved if locally produced publicity gives a local context to national issues.
13. The purchase of advertising space should not be used as a method of subsidising voluntary, public or commercial organisations.
14. Local authorities should consider whether it is appropriate to seek advice from economic analysts, public relations experts or other sources of expert advice before embarking on a publicity campaign involving very large expenditure.

Objectivity

15. Local authorities should ensure that publicity relating to policies and proposals from central government is balanced and factually accurate. Such publicity may set out the local authority's views and reasons for holding those views but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy.
16. Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public's opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.
17. Where paid-for advertising is used by local authorities, it should be clearly identified as being advertising. Paid-for advertising, including advertisements for the recruitment of staff, should not be used in any publication owned or controlled by a political party.
18. Advertisements for the recruitment of staff should reflect the tradition of political impartiality of local authority employees and should not (except in the case of advertisements relating to the appointment of staff pursuant to section 9 of the Local Government and Housing Act 1989 (assistants for political groups)) refer to any political activities or affiliations of candidates.

Even-handedness

19. Where local authority publicity addresses matters of political controversy, it should seek to present the different positions in relation to the issue in question in a fair manner.
20. Other than in the circumstances described in paragraph 34 of this code, it is acceptable for local authorities to publicise the work done by individual members of the authority and to present the views of those individuals on local issues. This might be appropriate, for example, when one councillor has been the "face" of a particular campaign. If views expressed by or attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.
21. It is acceptable for local authorities to host publicity prepared by third parties – for example an authority may host a blog authored by members of the authority or a public forum on which members of the public may leave comments. Maintenance by a local authority of a website permitting the posting of material by third parties constitutes a continuing act of publication by that local authority which must accordingly have a system for moderating and removing any unacceptable material.
22. It is generally acceptable for local authorities to host publicity, such as a blog, which itself contains links to external sites over which the local authority has no control where the content of those sites would not itself comply with this code. This does not amount to giving assistance to any person for the publication of material which local authorities are not permitted to publish. However, particular care must be taken by local authorities during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums which contain links to impermissible material during such periods.

23. It is acceptable for publicity containing material prepared by third parties and hosted by local authorities to include logos of political parties or other organisations with which the third parties are associated.
24. It is acceptable for publicity produced or hosted by local authorities to include a logo associated with a particular member of the authority, such as a directly elected mayor, or leader of the authority. Publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.
25. Where local authorities provide assistance to third parties to issue publicity they should ensure that the principles in this code are adhered to by the recipients of that assistance.

Appropriate use of publicity

26. Local authorities should not incur any expenditure in retaining the services of lobbyists for the purpose of the publication of any material designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.
27. Local authorities should not incur expenditure on providing stands or displays at conferences of political parties for the purpose of publicity designed to influence members of political parties to take a particular view on any issue.
28. Local authorities should not publish or incur expenditure in commissioning in hard copy or on any website, newsletters, newsheets or similar communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsletters, newsheets or similar communications, they should not issue them more frequently than quarterly, apart from parish councils which should not issue them more frequently than monthly. Such communications should not include material other than information for the public about the business, services and amenities of the Council or other local service providers.
29. Publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or by any particular group for which services are provided.
30. All local authority publicity should clearly and unambiguously identify itself as a product of the local authority. Printed material, including any newsletters, newsheets or similar publications published by the local authority, should do this on the front page of the publication.

Equality and diversity etc

31. Publicity by local authorities may seek to influence (in accordance with the relevant law and in a way which they consider positive) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues.
32. Local authorities should consider how any publicity they issue can contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

Care during periods of heightened sensitivity

33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this code. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.
34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.
35. In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.

COUNCILLOR CALL FOR ACTION PROTOCOL

Introduction

1. The Councillor Call for Action (CCfA) Protocol is designed as a formal means whereby councillors can refer to a scrutiny or review committee any local government matter in their ward which is of significant community concern. Referral to a scrutiny or review committee is a measure of last resort once other approaches have been exhausted.
2. A local government matter is defined in legislation¹ as one which:
 - (a) Relates to the discharge of any function of the authority;
 - (b) Affects all or part of the electoral area for which the referring member is elected or any person who lives or works in the area; and
 - (c) Is not an excluded matter. Excluded matters are matters (as defined in Regulations²) relating to:
 - (i) the formulation or implementation of the Council's crime and disorder strategy;
 - (ii) a planning decision;
 - (ii) a licensing decision;
 - (iii) an individual or entity where that individual or entity has a statutory right to a review or appeal other than to the ombudsman;or which are:
 - (iv) vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Policy and Performance Scrutiny Committee or a Review Committee;unless the matter consists of an allegation that a function of the Council has not been discharged at all or that its discharge has failed or is failing on a systematic basis.
3. A crime and disorder matter is defined in legislation³ as one which concerns:
 - (a) crime and disorder (including anti-social behaviour or other behaviour adversely affecting the local environment; or
 - (b) misuse of drugs, alcohol and other substances.
4. The matter must directly affect all or part of the ward for which the councillor is elected, or any person who lives or works in that ward.
5. Crime and disorder matters must be referred to the Council's "crime and disorder committee". In Islington the Policy and Performance Scrutiny Committee has been designated the crime and disorder committee.

¹ Section 119 of the Local Government and Public Involvement in Health Act 2007.

² Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008

³ Section 19 Police and Justice Act 2006.

6. The CCfA is not an appropriate route for:
 - (a) Raising individual complaints, for which the Council's corporate complaints procedure should be followed;
 - (b) Scrutinising matters of wider council policy;
 - (c) Questioning decisions which have been taken but not yet implemented by the Executive; or
 - (d) Seeking to resolve urgent matters, in view of the time which may be needed for the committee to assess the initial referral and then investigate the matter if it agrees to do so.

Referral Procedure

7. In Islington matters referred as a CCfA will be referred to the Policy and Performance Scrutiny Committee, unless they relate to the council's education functions, in which case they will be referred to the Childrens Services Scrutiny Committee. Prior to referring a matter as a CCfA, a councillor must have tried to resolve the matter themselves using the other mechanisms and resources available to them at ward level. Councillors must have regard to any government guidance issued and should:
 - (a) Ensure that the relevant council department and/or any partner organisation has been informed of the issue and been given enough time to resolve it;
 - (b) Ensure that this is not an issue that is currently being or should be pursued via the Council's complaints process;
 - (c) Ascertain whether or not the matter is being investigated through any other local scrutiny mechanism such as the Local Involvement Network.
8. If the matter is still not resolved the councillor can refer it to the Policy and Performance Scrutiny Committee (or Childrens Services Scrutiny Committee) as a 'Councillor Call for Action'. To avoid delays in the referral process, all referrals will be made on the CCfA request form on page [189]. This will ensure that the necessary information to enable the applicability of the Protocol to be confirmed and to enable the matter to be put before Policy and Performance Scrutiny (or Childrens Services Scrutiny Committee) will be provided at the outset.
9. The referral form will be received by the Democratic Services Manager who will log it to track its progress and assess whether the matter is covered by this Protocol. The Monitoring Officer shall be responsible for determining whether a matter is required to be referred to the Policy and Performance Scrutiny Committee (or Childrens Services Scrutiny Committee) under this protocol.
10. Referrals approved by the Monitoring Officer will then be included on the next available agenda of the relevant Policy and Performance Scrutiny Committee (or Childrens Services Scrutiny Committee). It will up to the members of the committee to decide whether or not to take the matter further.

Considering the CCfA

11. The referring councillor and other councillors representing the same ward will be invited to attend a meeting at which the CCfA is discussed, in order to make representations and answer questions. The relevant Executive member and senior officer will also be invited if appropriate.
12. In deciding whether or not to take the matter further the committee will consider:
 - (a) Actions already taken by the councillor in relation to the matter; and
 - (b) Representations made by the member as to why the committee should take the matter up.
13. The criteria the committee will use to decide whether or not to take the matter further include:
 - (a) Is the committee satisfied that reasonable attempts at a resolution have been made by the ward councillor?
 - (b) Has the committee considered a similar issue recently and, if so, have the circumstances or evidence changed?
 - (c) Has the relevant service or partner agency been informed and been given enough time to resolve the issue and, if so, what response the councillor has received?
 - (d) Is the matter currently being looked at by another form of local scrutiny such as the Local Involvement Networks?
14. If the committee decides not to take further action in respect of the referral it must inform the councillor and explain why.
15. If the committee decides to accept the referral it must decide how it intends to take the matter further it may:
 - (a) Make an immediate report or recommendations to:
 - (i) the Executive or other relevant council body;
 - (ii) the Corporate Director of the relevant council department or division; or
 - (iii) to any relevant partner organisation or other local organisation;
 - (b) Request further information or evidence from the ward councillor;
 - (c) Ask officers to look into the matter and report back;
 - (d) Invite other local stakeholders to give evidence to a future meeting; or
 - (e) Refer the matter to a Review Committee to undertake a more in depth review.

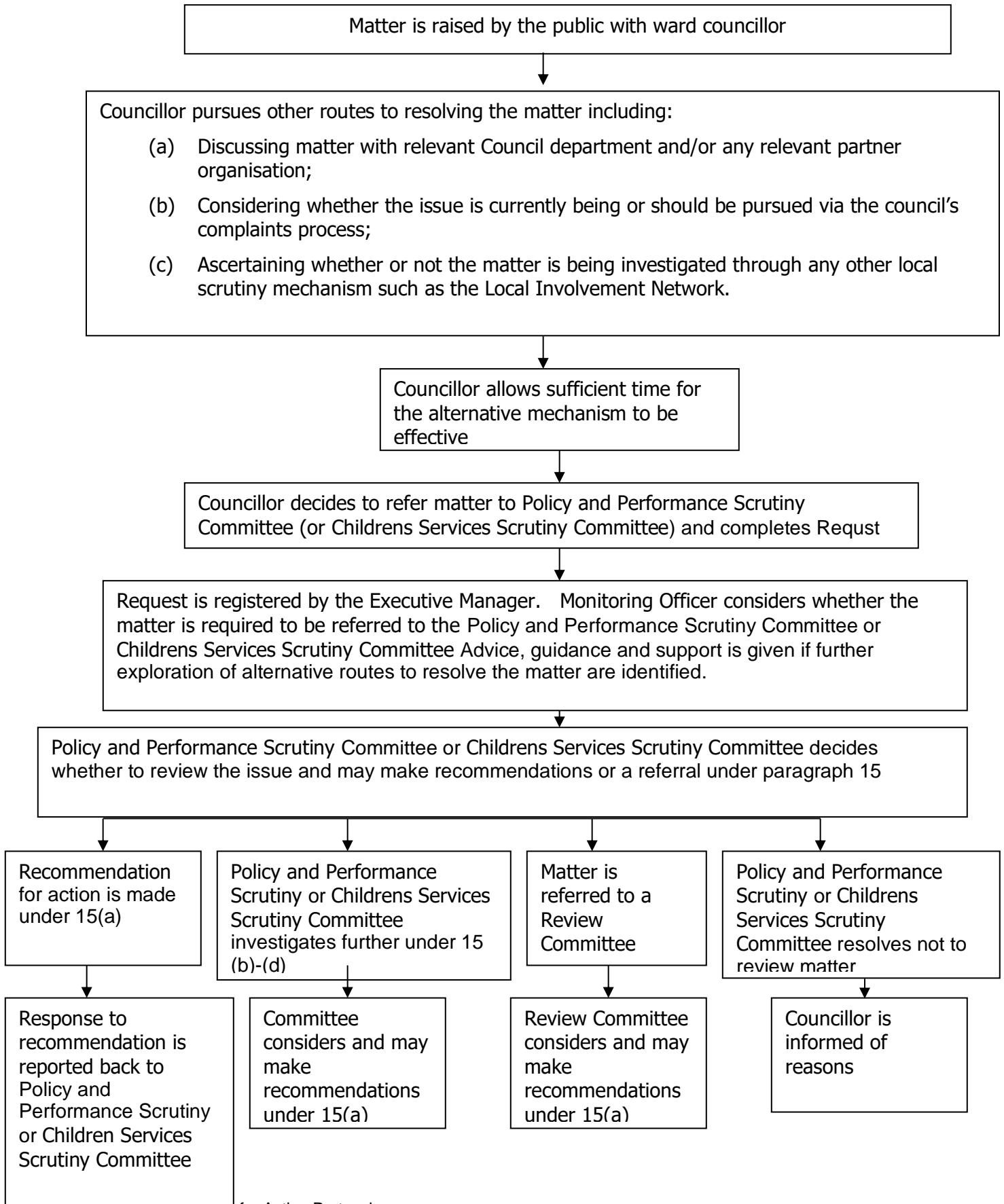
Policy and Performance Scrutiny or a Review Committee may make recommendations as provided for in 13 (a) following consideration by them under 15 (e).
16. If the matter is referred under 15 (a) (i) or (ii), the relevant body or person shall report back to the Policy and Performance Scrutiny Committee indicating any action that has been, or is intended to be, taken in respect of the recommendation, normally within 2 months, and in the case of a crime and disorder matter shall take the report or recommendation into account in exercising their functions.
17. Once the committee has completed its work on the referral the member who made the referral will receive a copy of any report or recommendations made in relation to it.

18. In the case of a crime and disorder matter:

- (a) A copy of any report or recommendations under 15(a)(i) or (ii) above shall also be provided to the chief officer of police, the police and fire authorities, the probation board and the primary care trust (“the Council’s crime and disorder partners”).
- (b) If a report or recommendation is made to one of the Council’s crime and disorder partners under 15(a)(iii), that partner will be notified that they are required to:
 - i. consider the report or recommendations and to respond to the committee indicating what action, if any, it propose to take, normally within one month; and
 - ii. have regard to the report or recommendations in exercising their functions.

LONDON BOROUGH OF ISLINGTON

**SUMMARY OF THE PROPOSED PROCEDURE FOR COUNCILLOR
CALL FOR ACTION**



Councillor Call for Action Referral Form

If you wish the Policy and Performance Scrutiny Committee (or in the case of Education related matters, the Children’s Services Scrutiny Committee) to consider a Call For Action in your ward you should complete this form and submit it to the Democratic Services Manager.

Before submitting this form you must:

- (a) Ensure that the relevant council department and/or any partner organisation has been informed of the issue and been given enough time to resolve it.
- (b) Ensure that this is not an issue that is currently being or should be pursued via the council’s complaints process.
- (c) Ascertain whether or not the matter is being investigated through any other local scrutiny mechanism such as the Local Involvement Network.

Your Contact details:

Name:

Address:

Telephone:

E-mail:

The Authority and Ward you represent:

Title of your Call for Action:

Date of Submission:

Would you like the opportunity to speak to the Committee? Yes/No

Please give a brief synopsis of your Call for Action:

What evidence do you have in support of your Call for Action?

Which areas or community groups are affected by your Call for Action?

How have you already tried to resolve the issue?

Is the Call for Action currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints' process?

Are there any deadlines associated with the Call for Action of which the Policy and Performance Scrutiny Committee (or Children's Services Scrutiny Committee) needs to be aware?

Received by.....on.....

FINANCIAL REGULATIONS

FINANCIAL REGULATIONS

- 1: INTRODUCTION
- 2: FINANCIAL MANAGEMENT
- 3: REVENUE EXPENDITURE
- 4: CAPITAL EXPENDITURE
- 5: EXTERNAL ARRANGEMENTS
- 6: TREASURY MANAGEMENT
- 7: DISPOSALS
- 8: RISK MANAGEMENT

1 INTRODUCTION

1.1 Like all local authorities, the London Borough of Islington is required by law to conduct its business efficiently and to ensure that it has sound financial management policies in place that are strictly adhered to. Part of this process is the establishment of Financial Regulations that provide the framework for managing the Authority's financial affairs. The regulations apply to every Member and officer of the Authority and anyone acting on its behalf.

1.2 The regulations identify the financial responsibilities of the Council; Executive; Scrutiny Members, the Chief Executive; Monitoring Officer; Chief Finance Officer; Corporate Directors and organisations acting on behalf of the Authority.

1.3 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

1.4 Chief Finance Officer is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes to the full Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Regulations to the Council and/or Executive Members.

1.5 Corporate Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the Authority's Financial Regulations and other internal regulatory documents and that they comply with them.

1.6 It may be considered a disciplinary offence if any officer fails to comply with these Financial Regulations. Employees and Members have a duty to report apparent breaches of the Financial Regulations to an appropriate senior manager and the Head of Internal Audit, either of whom should report the breach to the Chief Finance Officer and the Monitoring Officer.

2 FINANCIAL MANAGEMENT

INTRODUCTION

2.1 Financial management covers all financial accountabilities in relation to the running of the Authority, including the policy framework and budget.

2.2 The Council's decision making structure and a comprehensive listing of responsibilities of officers and committees is contained within the Constitution. Where officers have specific financial responsibilities these are set out in the remaining sections of part 2 to the Financial Regulations and the Scheme of Authorisation.

THE FULL COUNCIL

2.3 The full Council is responsible for:

- adopting the Council's Constitution (including the Financial Regulations) and Members' code of conduct;
- approving the policy framework and budget within which the Executive operates;
- approving procedures for recording and reporting decisions taken including those key decisions delegated by and decisions taken by the Council and its committees. These delegations and details of who has responsibility for which decisions are set out in the constitution;
- approving the setting and revision of the prudential indicators as defined under the Prudential Code.

THE EXECUTIVE

2.4 The Executive is responsible for:

- proposing the policy framework and budget to the full Council;
- discharging Executive functions in accordance with the policy framework and budget;
- proposing the setting and revision of the prudential indicators, as defined under the Prudential Code, to the full Council;
- reviewing the budget from time to time during the year and taking any such action as is deemed necessary;
- co-ordinating and controlling all the Council's financial planning arrangements including forward plans, the capital plans and the annual budget process, including business or service plans.

COMMITTEES OF THE COUNCIL WITH SPECIFIC FINANCIAL RESPONSIBILITIES

AUDIT COMMITTEE

2.5 The Audit Committee is the body responsible for governance, other than Member conduct issues which are the responsibility of the Standards Committee. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors. The Committee is responsible for reviewing the external auditor's reports and advising the annual audit letter; internal audit's reports; and approving the annual statement of accounts.

DIRECTOR OF LAW AND GOVERNANCE (ALSO THE MONITORING OFFICER)

2.6 The Director of Law and Governance financial responsibilities are:

- ensuring that procedures for recording and reporting key financial decisions are operating effectively;
- ensuring that council Members are aware of financial decisions made by the Executive and of those made by officers who have delegated Executive responsibility;
- maintaining an up-to-date Constitution;
- advising all councillors and officers about who has authority to take a particular financial decision;
- advising the Executive or full Council about whether a decision is likely to be considered contrary to the policy framework;
- advising (together with the Chief Finance Officer) the Executive or full Council whether a financial decision is likely to be considered contrary to or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include but are not limited to:
 - committing to expenditure in future years that exceeds budgeted amounts in the Council's medium term financial strategy;
 - implementing interdepartmental budget transfers that exceed virement limits.

CHIEF FINANCE OFFICER (SECTION 151 OFFICER)

2.7 The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972;
- The Local Government Finance Act 1988;
- The Local Government and Housing Act 1989;
- The Accounts and Audit Regulations 2015;
- The Local Government Act 2003.

2.8 The Chief Finance Officer is responsible for:

- the proper administration of the Authority's financial affairs;
- setting and monitoring compliance with financial management standards;
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- advising on the robustness of the budget and the adequacy of the authority's reserves;
- providing financial information;
- preparing the revenue budget and capital programme;
- treasury management.

2.9 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council, Executive and external auditor, if the Authority or one of its officers:

- has made, or is about to make, a decision that involves incurring unlawful expenditure;
- has taken, or is about to take, an unlawful action that has resulted or would result in a loss or deficiency to the Authority;
- is about to make an unlawful entry in the Authority's accounts.

2.10 Section 114 of the 1988 Act also requires:

- the Chief Finance Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under section 114 personally and that person is the Chief Accountant;
- the Authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

2.11 Section 25 of the 2003 Act requires:

- the Authority to take into account the Chief Finance Officer's report on the robustness of the budget and the adequacy of the Authority's reserves in deciding on its annual budget and Council Tax level;
- the Authority to monitor its budgets during the year and consider what action to take if a deterioration in the financial position is identified.

2.12 Section 30 of the 2003 Act provides for rapid remedial action if the Authority faces serious financial difficulties and the Chief Finance Officer has made a formal report to that effect.

CORPORATE DIRECTORS

2.13 Corporate Directors are responsible for:

- ensuring that financial implications are provided for all proposed decisions and that the Chief Finance Officer has agreed the financial implications;
- signing contracts on behalf of the Authority up to the limits described in the Procurement Rules.

2.14 It is the responsibility of Corporate Directors to consult with the Chief Finance Officer and seek approval on any matter liable to materially affect the Authority's finances, before any commitments are incurred.

OTHER FINANCIAL ACCOUNTABILITIES

SPENDING POWERS

2.15 No decision making body within the Council shall incur revenue or capital expenditure for which the Council does not have statutory powers or in respect of which that decision making body does not have delegated authority. All reports submitted to the Executive which propose expenditure shall be referred to the Director of Law and Governance who shall be satisfied that the Council has the statutory powers under which the expenditure will be incurred.

COMMITMENTS INTO FUTURE YEARS

2.16 All decisions to incur expenditure, whether for capital or revenue purposes, must take account of the impact of that expenditure in the current and future financial years.

2.17 All the Authority's decision making bodies must be informed of the implications for future years of spending decisions.

2.18 Where decisions will lead to levels of expenditure in future years that exceed budgeted amounts in the Council's medium term financial strategy, the source of funding in future years must be identified.

2.19 Proposals to enter spending commitments which will lead to growth in future years, may, if the source of funding has not been identified, only be taken by the Executive. Where the Director of Law and Governance and/or Chief Finance Officer considers that such spending would be contrary to or not wholly in accordance with the Budget, such a decision may only be taken by full Council.

3 REVENUE EXPENDITURE

REVENUE BUDGET SETTING

3.1 The Chief Finance Officer is responsible for the co-ordination of budget preparation, including the issue of budget preparation guidance and standardisation of the basis for the presentation of budgets.

3.2 A meeting of the Executive shall at an appropriate time in each municipal year review the process and timetable for the budget process relating to the following year.

3.3 Annual revenue account estimates shall be prepared by Corporate Directors in consultation with the Chief Finance Officer and be submitted to the Executive in accordance with the procedures and timetable agreed under paragraph 3.2 above.

3.4 The Chief Finance Officer shall present an annual net budget report to the Executive in order to inform its proposals in relation to the Council's budget requirement and council tax for the following financial year. The report shall set out the requirements under the Local Government Finance Act 1992 in regard to the setting of the budget requirements and the council tax and shall be presented at such time as to allow the Executive time in which to draw up proposals for the budget in accordance with the timescales laid down in Budget and Policy Framework Rules set out in Part 4 of this Constitution and any legal requirements as to the latest date upon which a council is entitled to set its budget. The report shall include a Medium Term Financial Strategy for the Council in accordance with the Prudential Guidelines on Local Authority Commitments issued by the Audit Commission.

3.5 When the Council is making the statutory calculations required to determine its council tax then in accordance with section 25 of the Local Government Act 2003 the Chief Finance Officer must report to Council on the following matters:

- the robustness of the proposed budget;
- the adequacy of the Council's reserves for which the budget provides.

The Council must take the Chief Finance Officer's report into account when making the calculations.

3.6 The Executive shall submit the estimates of the amounts to be aggregated in making the budget and council tax calculations required by the Local Government Finance Act 1992 to the Council before 11 March in any financial year. The Council shall then set the overall budget for the following financial year including the approved budget for each department.

REVENUE BUDGET MONITORING AND CONTROL

3.7 Each Corporate Director, Director and Head of Service shall be responsible for monitoring and controlling their budget to ensure expenditure is contained within their net budget as set by Council.

3.8 The key controls for managing and controlling the revenue budget are:

- budget managers should be responsible only for income and expenditure that they can influence;
- there shall be a nominated budget manager for each cost centre heading;
- budget managers shall accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- budget managers shall follow an approved certification process for all expenditure;
- income and expenditure must be properly recorded and accounted for;
- performance and service levels shall be monitored in conjunction with the budget and necessary action will be taken to align service outputs and budget;
- in order to assist them in carrying out their responsibilities and to help ensure sound financial governance, Executive Members shall regularly meet to discuss budget monitoring reports relevant to their portfolio areas with Corporate Directors.

3.9 The Executive shall receive regular reports setting out in respect of each department, the projected income and expenditure for the relevant financial year and variances, if any, from the agreed departmental budgets. Such reports must include details of action being taken to contain projected net overspends within agreed budgets, the Chief Finance Officer shall report to the Executive on the same basis the overall financial position of the Council and shall recommend any action required to ensure the Council's expenditure does not exceed its resources. The Executive shall receive a report setting out all corporate risks and informing Executive Members of progress in risk management.

3.10 If any department is showing a projected overspend, then provided the Executive is satisfied that appropriate steps are being taken to contain or reduce such an overspend, the Executive shall have the authority to authorise such an overspend provided that it will not, at the end of the financial year, lead to the Council's overall

approved revenue budget being exceeded. If the projected overspend exceeds the overall approved budget then full Council approval is required for any use of General Fund balances outside of movements agreed in the approved budget.

REVENUE BUDGET VIREMENTS

3.11 Variations to the budget approved by Council, subject to their being no increase in the Authority's net budget requirement, will be permissible in the circumstances set out below.

3.12 Where an adjustment is to, or from a budget intended for allocation during the year, its allocation will not be treated as a virement, provided that the amount is used in accordance with the purpose for which it was established.

Additional Third Party Funding

3.13 The creation of budgets following the receipt of any third party funding not anticipated in the budget report, such as specific grant funding that does not increase the Council's approved net budget must be approved by the relevant Corporate Director and the Chief Finance Officer. These budget changes will be reported to the Executive.

Technical Adjustments

3.14 The Chief Finance Officer is authorised to adjust budgets where such changes are required under local authority accounting codes of practice (e.g. internal recharges for support services, capital charges, FRS17 adjustments etc.) or where the budget adjustment reflects a previously approved decision (e.g. transfer from reserves). Such adjustments shall be included in the budget monitoring reports submitted to the Executive under paragraph 3.9 above.

Intra-Departmental Virements

3.15 All transfers within a department that fall into any of the following categories are classified as intra departmental virements:

- a) Budget transfers within a cost centre that transfer expenditure budgets between employees' pay and non-pay headings;
- b) All transfers between service divisions within a department.

3.16 Subject to the restrictions and definitions above, the responsibility for approving intra departmental virements is as follows: -

- a) Corporate Directors are allowed to approve virements less than £250,000 within or between individual service divisions within their departments. The Chief Finance Officer should also be notified of any such virements when approved by the relevant Corporate Director.
- b) For sums of £250,000 to £500,000, Corporate Directors should seek additional approval from the Chief Finance Officer. All virements exceeding £500,000 must additionally be referred to the Executive for final approval before the budget is transferred in to the new area.

3.17 All intra-departmental virements will be reported by the Chief Finance Officer to the Executive within three months of being actioned.

Inter-Departmental Virements

3.18 An inter-departmental virement is a budget transfer from one department to another. All such virements must be approved by the relevant Corporate Directors and Chief Finance Officer.

3.19 Virements with a value exceeding £500,000 must also be approved by the Executive before the virement is processed.

3.20 All inter-departmental virements will be reported by the Chief Finance Officer to the Executive within three months of being actioned.

3.21 Increased expenditure arising in the following categories shall be deemed not to be a virement nor will budget movements in these areas require the agreement of the Council or the Executive.

- a) Salaries, wages and pensions increases arising from nationally negotiated decisions and variations in contributions under the National Insurance and Superannuation Acts;
- b) Interest rate movements or other similar financing factors;
- c) Payments made as a result of any court order (other than an order made by consent);
- d) Budget amendments made during the course of the year for capital charges, support services and other instances that have no overall net budget impact on the Council's revenue or capital accounts, as appropriate.

Contingency Allocations

3.22 The allocation of the Council's revenue contingency budgets shall be recommended by the Executive Member for Finance to the Executive who shall have the authority to agree such allocations up to the value of the available contingency budget.

TREATMENT OF YEAR-END BALANCES

3.23 The Executive is responsible for agreeing specific sums to be carried forward provided that carrying forward these sums does not lead to the approved overall budget being exceeded at the end of the financial year in which they accrued. The Chief Finance Officer is responsible for agreeing the release of these specific sums in subsequent years and reporting those movements to the Executive.

EARMARKED RESERVES

3.24 The Chief Finance Officer may, on consideration of the overall financial position of the Council, recommend to the Executive the creation of an earmarked reserve. The Chief Finance Officer is responsible for agreeing any technical adjustments to the reserves and for agreeing any other adjustments to and from reserves that do not exceed £500,000. Any other movements to and from such a reserve that exceed £500,000 shall be approved by the Executive.

DEBT WRITE-OFFS

3.25 All debt write-offs must be in accordance with this section:

- i) The appropriate Corporate Director has authority to write-off debt of up to £20,000 per individual case;
- ii) The appropriate Head of Service or Director is able to write off debt of up to £10,000 per individual case, if authorised in accordance with Appendix 3 of the Constitution;
- iii) Service Managers in the Resources department are able to write off debt of up to £10,000 per individual case and Directors in the Resources department up to £50,000 per individual case, if authorised in accordance with Appendix 3 of the Constitution;
- iv) The Chief Finance Officer is able to write-off individual debts up to £199,999. Any decision should be made in consultation with the Corporate Director of Resources, if these roles are not held by the same post-holder.
- v) Executive authority is required in order to write off individual debts of £200,000 or more.
- vi) Write-offs will be reported to the Executive and Audit Committee on an annual basis.

FEES AND CHARGES AND OTHER INCOME

3.26 The Chief Finance Officer in consultation with Corporate Directors shall maintain adequate arrangements to ensure:-

- i) the proper recording of all sums due to the Council; and
- ii) the prompt and proper accounting of all cash, including its collection, custody, control and deposit.

3.27 Every sum received by a cashier or officer of the Council shall be immediately acknowledged by the issue of an official receipt.

3.28 In preparing the budget for the year ahead, the assumption will be made in the Medium Term Financial Strategy that all discretionary fees and charges will increase in line with the Council's policy on fees and charges, as set out each year in the revenue budget report.

ACCOUNTING POLICIES

3.29 The Chief Finance Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.

THE ANNUAL STATEMENT OF ACCOUNTS

3.30 The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC) (the SORP) and CIPFA Best Value Accounting Code of Practice (BVACOP). The Audit Committee is responsible for approving the annual statement of accounts in accordance with the statutory timetable as set out in the Accounts and Audit Regulations 2015.

TAXATION

3.31 The Chief Finance Officer is responsible for advising Corporate Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.

3.32 The Chief Finance Officer is responsible for maintaining the Authority's tax records, making all tax payments, recovering tax credits and submitting tax returns by their due date as appropriate.

4. CAPITAL EXPENDITURE

DEFINITIONS

Capital Allowance: the total of the Council's past and planned expenditure on Affordable Housing and Regeneration schemes which the Council has resolved should constitute the Council's Capital and Social Homebuy Allowances pursuant to Local Authorities (Capital Finance and Accounting) England) Regulations 2003 (as amended).

Capital Programme: the programme of Capital Schemes to be carried out during the life of the Council's Medium Term Financial Strategy ("MTFS").

Capital Scheme: an individual project or series of linked projects.

Capital Contingency: a sum set aside at the beginning of each financial year to cater for unforeseen requirements.

Corporate Capital Resources: all capital resources that the Council has discretion over spending: namely, capital receipts, any unsupported borrowing that the Council decides to undertake and any (non HRA) revenue contribution the Council wishes to make to capital investment.

Departmental Allocation: the total value of the schemes contained in the Capital Programme which fall within the responsibility of any particular department.

Reserve List- a list of those capital schemes identified by the Council as being schemes which may be implemented in lieu of the Capital Schemes within the Capital Programme.

Slippage: the process of recognising delays in expenditure on Capital Projects and re-profiling of budgets and resources to later years to reflect changes to the anticipated expenditure on Capital Schemes in each year.

CAPITAL BUDGET SETTING

4.1 The Chief Finance Officer is responsible for the co-ordination of budget preparation, including the issue of budget guidance and standardisation of the basis for presentation of budgets.

4.2 The Executive will, on consideration of the annual budget making report from the Executive Member for Finance, make recommendations to the Council regarding the Capital Programme. The Executive may also recommend the Reserve List.

4.3 The report from the Executive Member for Finance will consider the total capital resources available to Council, including any proposed prudential borrowing, the revenue implications of the proposed capital expenditure and the Capital Allowance over the life of the capital Medium Term Financial Strategy.

4.4 The Council, having considered the recommendations of the Executive shall determine the overall level of the Capital Budget, the Capital Programme, the Reserve List and the Capital Allowance.

SPENDING ON CAPITAL SCHEMES

4.5 No expenditure or commitment on a capital scheme or project shall take place unless:-

- i) that scheme was included in the approved Capital Programme or Reserve List; or
- ii) It has been approved by the Executive in accordance with 4.24 (or Chief Executive (in consultation with the Chief Finance Officer) in circumstances where in their view to delay any decision would seriously prejudice the Council's or the public interest and it is not practicable to convene a quorate meeting of the Executive); or
- iii) Approval has been given by the relevant Corporate Director in accordance with 4.6 and 4.26 below; and
- iv) the appropriate procedures for the inviting and acceptance of tenders have been followed, as set out in the Council's Procurement Rules.

4.6 There shall be delegated to the Chief Finance Officer, the authority to incur expenditure up to and including £150,000 in any one case and subject to the resources being available, on the following areas:

- i. Financial assistance to housing associations;
- ii. Advances under the Council's house purchase scheme, subject to such limits as the Council may impose from time to time;
- iii. Acquisitions of interest in land, provided that where the land in question is within an area which is the subject of a resolution by the Executive for compulsory purchase under any enactment, the Chief Finance Officer shall have authority to

authorise the acquisition of such interest whether by agreement or under compulsory purchase powers without financial limit, but subject to all necessary consents and approval;

- iv. An overspend on a Capital Scheme that cannot be covered within the existing Capital Programme, where the total approved over-spend on one or more schemes in any one financial year does not increase the overall budget for the Capital Programme by more than 0.1%.

4.7 The Executive may change the capital programme to reflect alterations in overall resource assumptions, or unforeseen spending requirements, or in light of the monitoring reports referred to above, provided that such changes do not lead to a change in the Capital Programme by more than £1,000,000, subject to the resources being available.

4.8 For clarity, the acquisition of land or buildings is considered capital expenditure and will be subject to the Financial Regulations governing Capital Expenditure.

CHANGES TO CAPITAL BUDGETS

4.9 Where the nature and content of a Capital Programme commitment agreed by Council in the Budget report is materially varied, the procedures for approving capital virements shall apply even if the financial commitments remain within agreed expenditure limits. What constitutes materially varied shall be decided by the monitoring officer.

SLIPPAGE

4.10 The Chief Finance Officer shall, provided they are satisfied as to the underlying circumstances, be entitled to approve slippage up to £1,000,000 for each Capital Scheme in the following circumstances:

- i. delays as a result of planning procedures / conditions / objections;
- ii. failure to procure required contractors;
- iii. loss of key personnel on a capital scheme;
- iv. dependency on other overrunning projects;
- v. delays as a result of external factors over which the Council cannot be reasonably considered to have any control;
- vi. changes to the cash-flow of a Capital Scheme that does not alter the operational delivery of the project.

4.11 In all other circumstances, slippage requests must be approved by the Executive.

4.12 Following any slippage approved by the Chief Finance Officer, the resultant Capital Programme must be reported to the Executive.

OVERSPENDS

4.13 In calculating expenditure for the purposes of assessing whether or not a scheme is within the approved budget for that scheme, related costs by way of fees and professional charges and all other incidental costs shall be included. This should be considered across the total cost of the scheme and not restricted to any one year.

4.14 Where monitoring reports indicate that the level of spending on one or more Capital Schemes in the current year will exceed the level of provision for those schemes, then the responsible Corporate Director shall develop an action plan to contain or reduce such overspend, including, where appropriate, seeking virement approval.

4.15 Where the total cost of a scheme or project appears likely to exceed the sum allocated to that scheme, the responsible Corporate Director may authorise such overspend up to £75,000 provided that the overspend does not lead to the total capital expenditure in that Department to exceed the relevant Departmental Allocation for the year.

4.16 Any such authorisation must be reported to the Chief Finance Officer.

4.17 Any such authorisation that exceeds £75,000 or cannot be contained within the relevant Departmental Allocation must be reported to the Chief Finance Officer who may authorise the overspend to be contained in the Capital Programme where appropriate. Where the overspend cannot be contained within the Capital Programme, the Chief Finance Officer may authorise an over spend as long as the total approved over-spends in any one financial year does not increase the overall budget for the Capital Programme by more than 0.1% and subject to the resources being available.

4.18 Any such authorisation that increases the overall budget for the Capital Programme by more than 0.1% must be approved by the Executive. In addition, overspends which exceed 10% of the sum allocated to a Capital Scheme must be approved by the Executive.

4.19 The Executive may vary the capital programme if necessary to contain such an overspend. Council approval is required for overspends that increase the Capital Programme by more than £1,000,000, subject to the resources being available.

UNDERSPENDS

4.20 In calculating expenditure for the purposes of assessing whether or not a scheme is within the approved budget for that scheme, related costs by way of fees and professional charges and all other incidental costs shall be included.

4.21 Where monitoring reports indicate that the level of spending on one or more schemes in the current year will be below the amount allocated to a department, the responsible Corporate Director may agree the inclusion of additional schemes within the current year's programme. The inclusion of these additional schemes is on the basis that:

- i) the additional schemes have been approved as part of the Capital Programme or Reserve List;
- ii) the capital virement rules have been complied with;
- iii) the Chief Finance Officer is satisfied that there are sufficient capital resources available to fund the existing Capital Programme.

CAPITAL VIREMENTS AND TECHNICAL ADJUSTMENTS

4.22 The following limits shall apply to capital virements:

- i. Corporate Director(s) are allowed to approve virements of up to £500,000 between Capital Schemes;
- ii. For sums above £500,000 approval should be sought from the Chief Finance Officer;
- iii. All sums greater than £1,000,000 must be approved by the Executive or the Council if the virement alters Departmental Allocations.

4.23 All capital virements and technical adjustments must be reported to the Chief Finance Officer.

OTHER CHANGES TO THE CAPITAL BUDGET

4.24 Subject to the resources being available, the Executive may change the capital programme to reflect alterations in overall resource assumptions, or unforeseen spending requirements, or in light of the monitoring reports referred to above, provided that such changes do not lead to a change in the Capital Programme of more than £1,000,000.

4.25 The allocation of the Council's Capital Contingency shall be recommended to the Executive who shall have the authority to agree such allocations.

4.26 The allocation of monies paid or payable to the council under the Community Infrastructure Levy Regulations 2010 or pursuant to agreements entered into under section 106 of the Town and Country Planning Act 1990 shall be recommended to the Executive where the particular allocation to a project of monies paid under a particular agreement or a number of separate agreements or from CIL contributions exceeds £1m but shall otherwise be recommended to and agreed by the Corporate Director – Community Wealth Building in consultation with the Chief Finance Officer. The recommendations to both the Executive and the Corporate Director – Community Wealth Building will be approved by the Borough Investment Panel, within the guidelines established in its Terms of Reference.

4.27 Any changes to capital funding (for example an earmarked, departmental capital grant) that do not result in an increase in available Corporate Capital Resources may be approved by the relevant Corporate Director and reported to the Chief Finance Officer. Additionally, any changes greater than £500,000 must be approved by the Chief Finance Officer.

CAPITAL BUDGET MONITORING CONTROL AND REPORTING

4.28 Corporate Directors are responsible for monitoring progress on all capital schemes within their departments or divisions and for reporting to the Chief Finance Officer on the delivery of the capital programme and any predicted overspend that exceeds 10% of the budget for an individual scheme or 5% of a Departmental Allocation.

4.29 The Executive shall receive regular reports setting out in respect of each department the projected capital expenditure for the relevant financial year and variances, if any, from the agreed Departmental Allocations.

5 EXTERNAL ARRANGEMENTS

ACCOUNTABLE BODY AND PARTNERSHIP ARRANGEMENTS

5.1 A Partnership Arrangement is an arrangement between the Council and one or more other bodies or persons (excluding collaborative procurements) to achieve objectives of the Council and at least one of the other parties which involves one or more of the following:

- sharing of risk in relation to the subject matter of the arrangement;
- joint planning and decision-making such as joint commissioning;
- joint delivery of services;
- sharing of resources,

but which is not a contract for the provision by one party to another of a supply, service or works in exchange for a fee or other consideration.

5.2 Exercise of a function that would confer accountable body status on the Authority or would result in a Partnership Arrangement with another body must be approved in writing by the Chief Finance Officer or approved by the Executive.

5.3 The Executive is responsible for approving delegations, including frameworks for partnerships. The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs. Where functions are delegated, the Executive remains accountable for them to the Full Council.

5.4 The Chief Finance Officer must be informed and written approval obtained, before entering into any proposed accountable body or partnership arrangement. Corporate Directors must provide to the Chief Finance Officer (unless they confirm in writing this is unnecessary in the particular case):

- i. evidence of scheme appraisal for financial viability in both the current and future years;
- ii. a risk appraisal, including a management action schedule and a statement setting out the internal control framework;
- iii. confirmation of funding streams, the level of contribution and how they have been determined;
- iv. evidence of the funding agreement, including the treatment of any under or overspending;
- v. in the case of a partnership arrangement, details of service continuation proposals upon expiry;
- vi. evidence of the financial viability of any partners;
- vii. details of any performance/output standards that must be achieved and who will monitor them;
- viii. details of the agreed audit arrangements;
- ix. the protocol for any disputes;

- x. the arrangements put in place for the review of inflation and efficiency saving; and
- xi. which assets will be used and who will own them.

5.5 In addition Corporate Directors must:

- i. ensure that all statutory accounting requirements are identified and that adequate accounting arrangements are agreed in order to ensure that all expenditure and income is properly incurred/received and recorded;
- ii. maintain a register of all arrangements entered into with external bodies and ensure that agreements and arrangements are properly recorded; and
- iii. ensure that such arrangements do not impact adversely upon other services provided by the Council.

5.6 Where a partnership arrangement includes a pooled budget the Chief Finance Officer must be notified of:

- i. who will be the lead and host authority;
- ii. who will be the pooled budget manager; and
- iii. the provisions of the agreement.

5.7 The Monitoring Officer and Chief Finance Officer are responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Authority.

5.8 The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

EXTERNAL FUNDING

5.9 When seeking or bidding for external funding, including grants, Corporate Directors must ensure that the objectives of the funding programme are consistent with the Council's objectives and priorities.

5.10 Corporate Directors must also ensure that the receipt of any external funding does not lead to a resource commitment in future years that does not have a sustainable funding source. The Chief Finance Officer must be advised of any such arrangements prior to entering into the same. When applicable Corporate Directors must ensure that the Council's recordable decisions policy is complied with.

5.11 Corporate Directors responsible for expenditure funded wholly or partly by central government and or other external bodies/partners must ensure that:

- i. all funding notified by external bodies is received and properly recorded in their accounts;

- ii. the match funding requirements are considered prior to entering into agreement and that future revenue budgets reflect these requirements;
- iii. service output targets/requirements can be met and that adequate arrangements are put in place for their monitoring and reporting;
- iv. any audit requirements are met;
- v. any other conditions associated with the funding are achievable and complied with.

WORK FOR THIRD PARTIES

5.12 The Executive is responsible for approving the contractual arrangements for any work for third parties or external bodies where those contracts exceed the financial thresholds above which officers may not award contracts, as set out in the Constitution and the Procurement Rules.

5.13 The Corporate Director of any department or division that is entering into contractual arrangements to work for a third party or external body shall be responsible for ensuring that:

- i. appropriate insurance arrangements are made;
- ii. all potential risks are identified and actions to mitigate these risks put in place;
- iii. wherever possible, payment is received in advance of the delivery of the service;
- iv. such contracts do not impact adversely upon the services provided by the Council;
- v. proper contractual documentation is maintained;
- vi. proper accounting and reporting arrangements exist.

GRANTS TO OUTSIDE BODIES

5.14 Grants may be awarded by the Council under various statutory powers; for example Section 25 of the Local Government Act 1988 allows the provision of financial assistance to individuals in connection with housing needs.

5.15 Grants must be distinguished from contracts and it is essential that officers entering into grant arrangements carefully consider whether or not the Council wishes to enter into contractual relations with the recipient of money from the Council.

5.16 Where grants are to be given, the Council must ensure that the organisation in receipt of the grant adheres to the conditions attached to the grant.

5.17 It is essential that officers who administer grants ensure that there is a proper system in place to ensure that the Council is gaining value for money through its grant

process. This includes having a robust monitoring, evaluation and reporting structure in place.

5.18 Grants must be paid into a UK bank account, the records relating to which the Council must be able to inspect.

5.19 Corporate Directors must ensure that adequate controls are included in all procedures to safeguard the Council, its resources and its assets from fraud or loss.

6 TREASURY MANAGEMENT

6.1 The Authority's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management in Public Services and with the Authority's Treasury Management Policy Statement and its Annual Investment Strategy:

i) The Council adopts the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code) 2001 as described in section 4 of that Code;

ii) Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management;

a) a treasury management policy statement (TMPS), stating the policies and objectives of its treasury management activities;

b) suitable treasury management practices (TMP), setting out the manner in which the organisation will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.

iii) The Council will receive reports on its treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year. The Executive will receive an annual report after its close, in the form prescribed in its TMP.

iv) Responsibility for the implementation and monitoring of its treasury management policies and practices is delegated to the Executive and the execution and administration of treasury management decisions to the Chief Finance Officer. That Director will act in accordance with the organisation's TMPS and TMP and CIPFA's Standard of Professional Practice on Treasury Management.

6.2 The responsibilities of the Chief Finance Officer in relation to treasury management and banking will include:

i) To arrange the borrowing and investments of the Authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management in Public Services, the Authority's TMPS and the Annual Investment Strategy required under the Local Government Act 2003.

Treasury management activities are defined as:

“The management of the authority’s cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks”;

ii) To report on treasury management activities to the Executive and Council in compliance with the CIPFA Code and Guidance on Local Authority Investments issued by the Secretary of State;

iii) To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the Chief Finance Officer

6.3 The responsibilities of the Chief Finance Officer in relation to investments and borrowing will include:

i) To ensure that all investments of money are made in the name of the Authority or in the name of nominees approved by the full Council;

ii) To ensure that all securities that are the property of the Authority or its nominees and the title deeds of all property in the Authority’s ownership are held in the custody of the appropriate Director;

iii) To effect all borrowings in the name of the Authority;

iv) To act as the Authority’s registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Authority.

7 DISPOSAL AND ACQUISITION OF NON LAND ASSETS

DISPOSAL OF NON LAND ASSETS WITH A MARKET VALUE LESS THAN £50,000

7.1 Materials, plant, machinery, fittings, equipment, stocks or stores which by reason of damage, wear or obsolescence are no longer serviceable for the purposes for which they are held or are surplus to requirements may be disposed of, provided that where any item or any part of it has a resale value:

i) prior to disposal, approval is obtained from the relevant Corporate Director or other person authorised by the Corporate Director, in accordance with Part 3 Paragraph 8.7 and Appendix 3 of the Constitution;

ii) the item or part item, is sold in the best available market and at the best price that can be reasonably obtained;

iii) following the disposal, the Chief Finance Officer is notified which asset has been disposed of and the level of receipts generated, where this exceeds £10,000.

7.2 Before the disposal of any leased asset, Corporate Directors shall notify the Chief Finance Officer in writing, so that the terms of the lease may be examined.

DISPOSAL AND ACQUISITION OF ALL NON LAND ASSETS WITH A MARKET VALUE EXCEEDING £50,000

7.3. Where the estimated market value of non land assets exceeding £50,000 is proposed, then authority for its disposal must be given by the Executive.

DISPOSAL AND ACQUISITION OF LAND ASSETS AND LEASES

7.4 The powers of the Executive to acquire and dispose of land and real property are set out in Part 3, Section 4 of the Constitution, Matters Reserved for Executive Decision.

7.5 The powers of officers to acquire and dispose of land and real property are set out below.

Where a restriction applies the matter must be referred to the Executive, unless the decision is specifically reserved for another officer below.

Post	Power	Restriction
Chief Finance Officer (or Deputy Chief Finance Officer, in the absence of the Chief Finance Officer)	To acquire land or real property other than by compulsory purchase order	<ul style="list-style-type: none"> i) where the consideration for the acquisition (or reasonable estimate prior to entering into a contract) does not exceed £1m; and ii) the interest acquired is for 20 years or less
Chief Finance Officer (or Deputy Chief Finance Officer, in the absence of the Chief Finance Officer)	To dispose of the Council's freehold interests, with the exception of void council owned homes, and grant leases at a premium	<ul style="list-style-type: none"> i) where the anticipated capital receipt does not exceed £1.5 million; and ii) the Chief Finance Officer is satisfied having taken the best professional advice that the capital receipt represents the best consideration reasonably obtainable for the interest in question; and iii) the proposed disposal has been subject to consultation with such Council officers and members or groups within the Council which may exist from

		time to time to ensure that the service and/or corporate interests in the property are such as to make disposal appropriate.
Chief Finance Officer (or Deputy Chief Finance Officer, in the absence of the Chief Finance Officer)	To grant leasehold interests for terms not exceeding 20 years at an annual rent:	<ul style="list-style-type: none"> i) where the annual rent payable under such leases does not exceed £250,000 exclusive per annum; and ii) the rent payable under such leases is the best consideration reasonably obtainable.
Chief Finance Officer (or Deputy Chief Finance Officer, in the absence of the Chief Finance Officer)	To dispose of interests in land for a period of six months or less even if the rent payable under such leases is not the best consideration reasonably obtainable	
Chief Finance Officer (or Deputy Chief Finance Officer, in the absence of the Chief Finance Officer)	The grant of leases of up to 125 years at or below best consideration to voluntary sector and community bodies in accordance with the Property Strategy.	
Chief Finance Officer (or Deputy Chief Finance Officer, in the absence of the Chief Finance Officer)	The acquisition of the leasehold interest in former council owned homes sold under the RTB to facilitate approved redevelopment schemes	
Chief Finance Officer (or Deputy Chief Finance Officer, in the absence of the Chief Finance Officer)	The declaration of land and buildings as surplus to requirements of services	Save for street properties held under Part II of the Housing Act 1985 used solely for housing purposes.

Corporate Director of Homes and Neighbourhoods	<p>The declaration of street properties held under Part II of the Housing Act 1985 used solely for housing purposes as surplus to requirements</p> <p>(The Corporate Director of Housing must within 14 days of having made any such declaration, notify the leader of any political groups represented on the Council of their decision.)</p>	
Corporate Director of Homes and Neighbourhoods	Disposals of void council owned homes where the best consideration reasonably obtainable is £3 million or less	
Corporate Director of Children's Services	Grant of a lease of 125 years at a peppercorn rent to an academy trust following the making of an academy order in respect of a maintained school	

7.6 Corporate Directors will ensure that the Council does not enter into leases without first obtaining the consent of the Chief Finance Officer and, if applicable, approval of the relevant scheme in the capital programme.

7.7 Corporate Directors will provide the Chief Finance Officer with details of all current leases and agreements under which the Council incurs any financial liability or obtains any financial gain.

8 RISK MANAGEMENT AND CONTROL OF RESOURCES

INTRODUCTION

8.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

RISK MANAGEMENT

8.2 The Corporate Director of Resources is responsible for the Authority's risk management policies and for promoting them throughout the Authority. This should be

carried out in consultation with the Chief Finance Officer, if they are not the same post-holder.

8.3 The Audit Committee will review any risk management issues that arise out of its review of the work of the internal and external auditors.

INSURANCE

8.4 The Corporate Director of Resources is responsible for effecting any necessary insurance cover and negotiating all claims with insurers.

8.5 Corporate Directors, Directors and Heads of Services shall give prompt notification to the Corporate Director of Resources of the extent and nature of all new risks to be insured and of any alterations affecting insurable risks.

8.6 Corporate Directors, Directors and Heads of Services shall immediately notify the Corporate Director of Resources in writing, of any loss, liability or damage covered by insurance in connection with their service.

INTERNAL CONTROL

8.7 Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.

8.8 The Corporate Director of Resources is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. The Corporate Directors should ensure that public funds are properly safeguarded and used economically, efficiently and in accordance with the statutory and other authorities that govern their use. This should be carried out in consultation with the Chief Finance Officer, if they are not the same post-holder.

8.9 It is the responsibility of Corporate Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

AUDIT REQUIREMENTS

8.10 The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit.

8.11 The Audit Commission is responsible for appointing external auditors to each local Authority.

8.12 The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended.

8.13 The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

PREVENTING FRAUD AND CORRUPTION

8.14 The Corporate Director of Resources is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

ASSETS AND SECURITY

8.15 Corporate Directors should ensure that records and assets are properly maintained and securely held. Corporate Directors should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

8.16 The Corporate Director of Resources shall agree maximum limits for cash holdings and these shall not be exceeded without their express permission. This should be carried out in consultation with the Chief Finance Officer, if they are not the same post-holder.

8.17 The Corporate Director responsible for the Digital Services shall agree with Corporate Directors and other persons involved, the degree of privacy of the information held on corporate computerised systems. The Corporate Director responsible for Digital Services shall then be responsible for maintaining proper security and the agreed degree of privacy of the information held in order to comply with the Data Protection Act 2018. Corporate Directors shall be responsible for maintaining proper security and the appropriate degree of privacy of information in accordance with the Council's ICT Security Policy Framework.

BANKING ARRANGEMENTS

8.18 The Chief Finance Officer is responsible for making arrangements with the Council's bankers and National Giro-bank, concerning opening of bank accounts.

8.19 All payments on behalf of the Council other than petty cash payments will be made by

- i) Cheques drawn on bank accounts opened with the authority of the Chief Finance Officer for any particular establishment of the Council under the control of the nominating Director; or
- ii) Bankers automated clearing services order direct to the recipient's personal account; or Direct debit, the mandate for which must be signed by two of the officers of the Finance Service authorised by the Council to sign cheques; or
- iii) CHAPS transfer direct to the recipients account by one of the named officers authorised by the Chief Finance Officer;
- iv) Debit cards including e.g. purchase cards in accordance with procedures approved by the Chief Finance Officer;
- v) Any other electronic payment method approved by the Chief Finance Officer.

8.20 All monies received for or/on behalf of the Council shall be paid promptly and intact into the appropriate accounts.

PROCUREMENT RULES

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A – FINANCIAL REGULATIONS

1. Introduction and Thresholds

- 1.1 These mandatory rules apply to all spend by officers or agents of the Council and partnerships for which the Council has responsibility, on goods, works and services, including when we are leading in a central purchasing body arrangement. References to the Council in these Procurement Rules should be substituted by any relevant partnership as appropriate. The rules ensure we comply fully with our obligations for Contract Standing Orders as governed by Section 135 of the Local Government Act 1972 and are the Council's rules for contract. It is a disciplinary offence for officers/agents not to follow the Procurement Rules. These rules govern any purchase, lease, rental or combination but exclude employment arrangements or Council land arrangements.
- 1.2 All matters within these Procurement Rules reserved for the Assistant Director, Procurement and Supply may be undertaken by their nominated representative(s), who must report directly to the post.
- 1.3 Any explanation or clarification of these Procurement Rules should come exclusively from the Council's Strategic Procurement and Supply Assurance or Legal Services.
- 1.4 Where there is conflict between law or Council policy then law then Council policy shall apply in that order of priority. No officer, member or the Executive has any authority to waive any matter which is required under the law.
- 1.5 These rules ensure competition, provide protection against inappropriate use of Council funds, look at full life costs of any purchase, assist legislative compliance and deliver best value by the Council supported by our policies and codes of practice.
- 1.6 The procedure to be followed is determined in Value Bands of whole life value (recurring procurements based on four years of value) across the entire Council. The calculation of the whole life value of a procurement shall be based on the total amount payable, net of Value Added Tax (VAT), as estimated by the Council including any potential renewals or contract extensions. Spend must not be fragmented in any way to circumvent the appropriate procedure. The budget must be appropriately approved by the relevant officer of the Council prior to spending. Where an exact value is not known then the decision should be based on the estimated value.
- 1.7A The procedure is:
 - 1.7A.1 Utilise an existing corporate contract wherever available (for more information refer to our website); or
 - 1.7A.2 When no corporate contract is available, follow the procedure set out in the Tables 1 to 2 below.

Table 1

All Contracts		
Value Band	Estimated whole life value (excluding VAT)	Required Procedure (Table 1 Notes apply)
i)	£ 0 - £4,999	No formal written quotation required. Spend should be made by purchase card wherever possible.
ii)	£5,000 to £24,999	One (1) written quotation from a suitable provider with a reason for decision based on value for money recorded in writing.
iii)	£25,000 and the supplies/services threshold mentioned in 2.2.	A minimum of three (3) competitive written quotations with justification on grounds of value for money for award recorded in writing.

Table 1 Notes:

Quotations can be provided by email **and/or** include published or catalogue pricing.

All contracts within this Value Band ii) or Value Band iii) must be notified to procurement@islington.gov.uk to be recorded on the corporate contracts database register.

Advertising contracts in Value Band i) is not permitted. Where contracts within this Value Band ii) or Value Band iii) are to be advertised, the agreement of the Assistant Director, Procurement and Supply is required. The Assistant Director, Procurement and Supply will advise on the wording and content of the advertisement and must additionally arrange for the advertisement to be placed in Contracts Finder. Advertised contracts in Value Band ii) or iii) may be reserved to national, regional (London based), small and medium sized enterprises (SMEs) and/or voluntary and community sector enterprises (VCSEs), when agreed by the Assistant Director, Procurement and Supply and their guidance is strictly adhered to on what the Council must have regard to.

As a matter of policy, non-advertised quotations in Value Band ii) or iii) must come from local suppliers (Islington and/or boroughs with adjoining boundaries), whenever suitable suppliers are available. If suitable suppliers cannot be identified this must clearly identified within the justification for award.

Table 2

Services and Supplies Contracts other than “Light Touch” (see section 2.2) Services*		
Value Band	Estimated whole life value (excluding VAT)	Required Procedure (Table 2 Notes apply)
iv)	The supplies/services threshold mentioned in 2.2.	<p>Contact procurement@islington.gov.uk who will look at the availability of an existing suitable consortium or framework arrangement.</p> <p>If one is not available:</p> <p>a formal tender process with a minimum of five (5) written competitive tenders.</p> <p>Where five (5) written competitive tenders are not available or a lower number is desired, the commissioning client officer shall follow the advice of the Assistant Director, Procurement and Supply.</p>

Table 2 Notes:

All contracts within this value band must be notified by email to procurement@islington.gov.uk and subsequent guidance adopted.

National advertising requirements (Find a Tender Service and Contracts Finder) will have to be complied with for the procurement of most services in this category (see 2.2) in addition to the Council’s portal and website. National advertising requirements will only apply to the procurement of contracts that have a value that is above the relevant threshold.

Table 3(a)

“Light Touch” Services (see section 2.2), Concessions (see section 2.3) and Works Contracts		
Value Band	Estimated whole life value (excluding VAT)	Required Procedure (Table 3(a) Notes apply)
iv) - a	The supplies/services threshold mentioned in 2.2. - Up to £500k revenue or £1m Capital	<p>A minimum of four (4) competitive written quotations (or 5 in the case of contracts exceeding £250k revenue or £500k capital) with justification on grounds of value for money for award recorded in writing.</p> <p>Quotations must be obtained through the council’s e-tendering system, unless agreed otherwise by the Assistant Director, Procurement and Supply .</p> <p>Where four (4) written competitive tenders are not available or a lower number is desired, the commissioning client officer shall follow the advice of the Assistant Director, Procurement and Supply.</p>

Table 3(a) Notes:

All contracts within this value band must be notified to procurement@islington.gov.uk to be recorded on the corporate contracts database and any subsequent guidance adopted.

Where contracts within this Value Band are to be advertised, the agreement of the Assistant Director, Procurement and Supply is required. The Assistant Director, Procurement and Supply will advise on the wording and content of the advertisement and must additionally arrange for the advertisement to be placed in Contracts Finder.

Advertised contracts in Value Band iv) up to the applicable threshold in Rule 2.2 or 2.3, may be reserved to national, regional (London based), small and medium sized enterprises (SMEs) and/or voluntary and community sector enterprises (VCSEs), when agreed by the Assistant Director, Procurement and Supply and their guidance is strictly adhered to on what the Council must have regard to.

As a matter of policy, non-advertised quotations must come from local suppliers (Islington and/or boroughs with adjoining boundaries), whenever suitable suppliers are available. If suitable suppliers cannot be identified this must clearly identified within the justification for award. If no local supplier can be identified then the written permission of the Assistant Director, Procurement and Supply is required.

Table 3(b)

“Light Touch” Services (see section 2.2), Concessions (see section 2.3) and Works Contracts		
Value Band	Estimated whole life value (excluding VAT)	Required Procedure (Table 3(b) Notes apply)
iv) - b	£500k revenue or £1m Capital	<p>Contact procurement@islington.gov.uk who will look at the availability of an existing suitable consortium or framework arrangement.</p> <p>If one is not available:</p> <p>a formal tender process with a minimum of five (5) written competitive tenders.</p> <p>Where five (5) written competitive tenders are not available or a lower number is desired, the commissioning client officer shall follow the advice of the Assistant Director, Procurement and Supply.</p>

All contracts within this value band must be notified to procurement@islington.gov.uk to be recorded on the corporate contracts database and any subsequent guidance adopted.

The Assistant Director, Procurement and Supply will advise on the wording and content of the advertisement.

1.7B Engagement of consultants requires the completion of a business case in line with the online guidelines provided by Strategic Procurement and Supply Assurance. Consultants shall:

1.7B.1 include any independent self-insured third party person or organisation (i.e. not an employee of the Council), who provides professional independent advice and recommendations in the form of a written report on which business decisions are made for and by the Council, as opposed to an individual service user.

1.7B.2 be engaged for their professional advice and recommendations on contract for services with appropriate control over how, when and by whom work is completed, dependent on the circumstances, rectifying any errors at the Consultant’s expense, risking their money and providing the majority of their own equipment for the work.

1.7B.3 have a business case completed by the client commissioning officer i.e. the person in the Council responsible for identifying and specifying the need(s) for the contract. One business case may set out a need for a period of time or multiple needs under one overall project.

- 1.7B.4 require initial approval of the business case from the Chief Executive or the client commissioning officer's Corporate Director (or their nominated representative on a Chief Officer grade).
- 1.7B.5 be quality assured by Corporate Management Board **or** an independent panel consisting of Strategic Procurement and Supply Assurance, Finance, and an independent departmental representative, as outlined on the business case template. The client commissioning officer will then be informed whether or not they can procure their consultant or whether more information is needed for a decision to be reached. Normal decision making governance such as Recordable Decisions or Key Decisions shall still apply, as applicable.
- 1.7B.6 also include interim appointments to the Council's establishment and/or temporary agency workers outside of the Council's managed service provider.
- 1.7B.7 undergo relevant vetting requirements and have established the appropriate obligations for taxation by the client commissioning officer prior to their appointment
- 1.7B.8 be determined by the Assistant Director, Procurement and Supply.
- 1.8 Concession agreements are agreements under which the consideration given by the council consists of or includes the grant of a right to exploit the work or services to be carried out under the contract. For the purposes of the Procurement Rules, the Value Bands requirements in Table 1 will apply based on the estimated value to be received over the whole life of the agreement. The value of a concession is calculated on the basis of the total turnover of the concessionaire generated over the duration of the contract, net of VAT, as estimated by the Council, in consideration for the works and services that are the object of the concession as well as for the supplies required for such works and services.

2. Value Based Procedures

- 2.1 All contracts with an estimated value in value band iv) must be advertised on the Islington Council website, the Council's online e-tendering portal and Contracts Finder, unless otherwise agreed by the Assistant Director, Procurement and Supply . The advertisement must include unless otherwise authorised by the Assistant Director, Procurement and Supply:
 - 2.1.1 the price/quality breakdown of award criteria;
 - 2.1.2 the time by which an interested party must respond to be considered;
 - 2.1.3 how, to whom and in which way to respond;
 - 2.1.4 any other relevant requirements for participating in the procurement.

The price/quality breakdown of award criteria including any weighting cannot be amended during the tender process once published.

- 2.2 The Public Contract Regulations 2015 (the Regulations) apply to all contracts although which specific rules apply will depend on the value and subject matter of the contract.

Specific advertising and tender process requirements apply to the procurement of some contracts with a value estimated to exceed thresholds of **£177,897 (excluding 20% VAT) or £213,477 (including VAT)** whole life value for supplies/services and **£4,447,447 (excluding 20% VAT) or £5,336,937 (including VAT)** whole life value for works. Strategic Procurement and Supply Assurance shall advise whether a contract is supplies, services or works in accordance with the Regulations and the definitions below:

- 2.2.1 a supplies contract is an agreement which has at its object the purchase, lease, rental or hire-purchase, with or without the option to buy, a physical product or piece of software, including any incidental matter, siting or installation;
- 2.2.2 a service contract is an agreement which has at its object the action of performing an activity or operation for or on behalf of the Council without a physical product;
- 2.2.3 a works contract is an agreement which has as its object a mixture of service or labour and transfer of goods, leading to the realisation or improvement of a physical asset, for example a building contract.

Strategic Procurement and Supply Assurance shall provide the appropriate Common Procurement Vocabulary (CPV) code(s) for any required advertisement.

- 2.3 In the case of services contracts, Strategic Procurement and Supply Assurance shall determine whether the service is covered by the “light touch” regime under the Regulations. Light touch contracts are for services which tend to be of lower interest to cross-border competition and include certain social, health and education services, defined by CPV codes. The list of services to which the Light Touch Regime applies is set out in Schedule 3 of the Public Contracts Regulations 2015 (Annex A). Light-touch regime services which exceed a whole life value of **£552,950 (excluding 20% VAT) or £663,540 (including VAT)** also will be subject to advertising within the Find a Tender Service (FTS).
- 2.4 Concessions (or contracts for income) are subject to the advertising requirements of Procurement Rule 1.8 and additionally to advertising within FTS when they exceed whole contract life value of £5,336,937 in terms of income and/or monies received.
- 2.5 When executing new or amendment existing agreements:
 - 2.5.1 contracts exceeding £500,000 or where directed by the Director of Law and Governance, must be signed as a deed by Director of Law and Governance or their authorised representative;
 - 2.5.2 contracts below £500,000 where no alternative instruction has been provided shall be signed by two Authorised Officers of the Council in line with the Scheme of Authorisation;
 - 2.5.3 electronic signatures of Authorised Officers from all parties are permitted;
 - 2.5.4 contracts must be signed prior to works commencing, services starting or goods being delivered, unless otherwise agreed in writing by the Director of Law and Governance and recorded in the contract file. The Legal Services Contracts Team will supply the wording for any Letter of Intent. Letters of intent represent a risk to the Council and should only be used where absolutely unavoidable.

- 2.6 Proposed contracts that:
- 2.6.1 will or could be connected to the Council IT infrastructure network or could be determined a digital, technology or telephony device, including hardware, software, cloud services and storage, as well as data systems, services, electronic business applications, digital consultancy or agreements requiring data transfer need the prior agreement of the Director of Digital Services (or their nominated representative);
 - 2.6.2 will directly impact or change the fabric of a corporate building asset need the prior agreement of the Director of Corporate Landlord (or their nominated representative) in addition to relevant permissions such as building control or planning;
 - 2.6.3 exceed £500,000 need to be agreed in advance by any applicable board, as determined by the Assistant Director, Procurement and Supply.
- 2.7 In relation to contracts with an estimated value (to the Council) which exceeds the delegated authority of the Corporate Director as set out in Procurement Rule 18 (as applicable for the type of spend in question), approval of the Procurement Strategy is required from the Executive.
- 2.8 Where Procurement Strategy approval is required, a report (complying with the Access to Information Rules in Part 4 of the Constitution) must be provided to the Executive pre tender setting out the following relevant information:
- 2.8.1 Nature of the service;
 - 2.8.2 Estimated value and volumes, referring to potential savings;
 - 2.8.3 Timetable;
 - 2.8.4 Options appraisal for tender procedure including consideration of collaboration, category management and insourcing opportunities;
 - 2.8.5 Consideration of: social value including community benefit clauses, London Living Wage, best value, TUPE, pensions and other staffing implications;
 - 2.8.6 Price and quality award criteria, including 20% minimum for social value in quality criteria unless by exception there is a significant reason not to do so agreed with the Assistant Director, Procurement and Supply ;
 - 2.8.7 Any business risks associated with entering the contract;
 - 2.8.8 Any other relevant financial, legal or other considerations.

3. Exceptions to the Procurement Procedure

- 3.1 When procuring goods and services from an approved central purchasing body such as Crown Commercial Services (CCS) the financial thresholds in table 1 of the Procurement Rules do not apply. In these instances the procedures laid out in the existing contract or framework prevail which may require a mini competition (or

quotation exercise) to be completed. The Council's rules in respect of Recordable and Key Decisions will always apply.

- 3.2 Exceptions to the Procurement Rules (including in the case of any collaborative arrangement between the Council and any other body under which the other body undertakes a procurement process with or on behalf of the Council) will only be considered on the basis of a written report ("waiver request") produced in advance of procurement activity. The waiver request should set out good operational and financial reasons and be based on value for money principles. Examples of exceptions, such as an emergency where serious financial loss or loss of life may be concerned, or when the goods, works or services are of an exclusive proprietary nature should be outlined in the waiver request.
- 3.3 Where the collaboration is on-going (e.g. in the case of a shared service arrangement) exceptions may be agreed in respect of all procurements by the other body which are undertaken as part of that arrangement.
- 3.4 The waiver request must include comments from the Legal Services Contracts Team; Strategic Procurement and Supply Assurance; and Finance.
- 3.5 Corporate Directors (and Directors and Heads of Service where appropriately authorised) can agree exceptions for Value Bands i), ii) and iii) contracts up to their delegated authority levels by approving a written waiver request.
- 3.6 Corporate Directors (and Directors where appropriately authorised) can agree exceptions for Value Band iv) contracts up to their delegated authority levels by approving a written waiver request.
- 3.7 A Recordable Decision report must be completed where appropriate. Only the Executive can agree exemptions in the case of Value Band iv) contracts where the value exceeds the Corporate Director delegated authority and it will be necessary for a formal report to be submitted.
- 3.8 The Executive does not have authority to waive or override the requirements of national law.
- 3.9 Exceptions to the Procurement Rules, other than use of an approved central purchasing body, will only be approved under exceptional circumstances where there are significant reasons to justify the request.

4. Risk and Insurance Financial Management

- 4.1 All Value Band iv) procurements must have a risk assessment completed by the client commissioning officer in line with the Council's standard processes.
- 4.2 All Value Bands procurements should give consideration to financial and legal risks of the proposed procurement. For Value Band iv) this should be recorded in writing.
- 4.3 All contracts where there is direct advice and/or design services provided by a contractor, including all Consultancy arrangements, must include a requirement for Professional Indemnity Insurance.

- 4.4 For Value Band iii) procurements all contractors must have and maintain Public Liability insurance and Employers Liability insurance of £5,000,000 or more in addition to any other insurance recommended by the Insurance Section of the Council. Value Band iv) procurement insurance values should be checked with the Insurance Section. (Note: sole traders with no employees are excluded from Employers Liability.)
- 4.5 Corporate Directors and (where they have appropriate authorisation) Directors and Heads of Service may agree an exception to insurance values for public liability and professional indemnity in respect of contracts up to Value Band iii). A Corporate Director or authorised Director may agree a variation to an insurance value at Value Band iv). All variations to agreed insurance levels must be made in discussion with the Insurance Section and the Director of Law and Governance (or their authorised representative). All variations must be recorded in writing in the contract file.
- 4.6 All potential Contractors to the Council shall have a financial appraisal undertaken prior to being awarded a Value Band iv) contract.
- 4.7 Strategic Procurement and Supply Assurance shall procure independent financial appraisals as required unless otherwise agreed by the Assistant Director, Procurement and Supply.
- 4.8 In the event of any doubt as to the Contractor's financial viability, or any non-availability of an external report, the Commissioning officer's finance contact shall provide expert advice. Consideration may still be made of the Contractor if the risk is deemed acceptable by Corporate Directors (or authorised Service Directors) and agreed with the Assistant Director, Procurement and Supply.
- 4.9 Financial appraisals are not required when contracting directly with other local authorities, the Police, Crown Prosecution Service, Greater London Authority, Clinical Commissioning Groups, National Health Service, His Majesty's Prison Service, Fire Brigade or other public sector bodies as agreed by the Assistant Director, Procurement and Supply (or their equivalents in all cases). Such organisations are underwritten by Government and thus are deemed financially viable at all times.
- 4.10 Where there is doubt as to the financial viability of a contractor but the Council has either no acceptable alternative provider or has decided to accept the level of risk then additional form of security to a level determined between Legal Services Contracts Team and financial services shall be provided such as:
- 4.10.1 a Parent Company, Ultimate Holding Company or Holding Company guarantee where their finance prove acceptable;
 - 4.10.2 a Director's Guarantee or Personal Guarantee where their finances prove acceptable;
 - 4.10.3 a Performance Bond, retained funds or cash deposit;
 - 4.10.4 any other security as determined by finance and/or legal services.
- 4.11 A Corporate Director can decide in the case of contracts with a total value up to £5,000,000, that the level of security specified by finance and/or Legal Services Contracts Team need not be provided by the tenderer. A written record by the Corporate Director of this decision and the reason(s) for it must be kept in the contract file.
- 4.12 A contractor may need to provide security of performance.

- 4.13 Before a contract is awarded, the Executive must approve the award of a contract where the contractor cannot provide security of performance for contracts with a total contract value of more than £5,000,000. The report seeking approval of the Executive must set out the reason why it is proposed that the contract should be awarded despite the absence of security and what measures are to be taken to manage the risk.
- 4.14 Consent of the Assistant Director, Procurement and Supply in consultation with the Monitoring Officer and Section 151 Officer (or their nominated officers) is required prior to the inclusion of any specific indexation or inflation clause. The drafting or review of such a clause should be undertaken (or overseen) by the Contracts Team in Legal Services. Finance shall be required to arithmetically calculate and check proposed increases to contracts, in addition to challenging the relevant index to be applied. Indexation or inflation related claims must be substantiated by evidencing increase to the supplier. No automatic indexation or inflation increase will be permitted without evidence to substantiate the increase, whether or not addressed within contract terms.
- 4.15 Specific indexation or inflation claims must be appropriately challenged as set out within these Procurement Rules. Index related claims for below key decision value agreements for the original procurement strategy and contract award (not the increase) should be considered for challenge by the relevant Head of Strategic Category Management and Assistant Director for Procurement and Supply with the service department and Finance. Index related claims for above key decision value agreements for the original procurement strategy and contract award (not the increase) should be considered for challenge by the Commissioning and Procurement Board (see 14 Commissioning and Procurement Board Responsibilities).

5. E-Procurement

- 5.1 The Council recognises the following e-procurement activities, including sourcing, ordering, receiving goods and making payments to achieve best value in line with the Procurement Rules and Council policies:
- 5.1.1 Corporate purchase cards;
 - 5.1.2 Electronic tendering;
 - 5.1.3 Electronic auctions;
 - 5.1.4 Purchase-to-pay systems;
 - 5.1.5 Consolidated and electronic invoicing.
- 5.2 Assistance for using e-auction may be obtained from Strategic Procurement and Supply Assurance. All e-auctions require the authorisation of the Assistant Director, Procurement and Supply.
- 5.3 An electronic signature is acceptable to make a contract legally binding with appropriate back up storage.

B – POLICY, REGULATIONS, INDIRECT RULES

6. Equality Impact Assessment (EqIA)

- 6.1 It is mandatory to complete the EqIA Screening Tool for all contracts in value band iv) prior to the specification being completed. The EqIA Screen Tool will ascertain whether a full EqIA is also mandatory to ensure that: i) anyone with protected characteristics as recognised in law has their needs considered and are treated fairly; ii) equality commitments are translated into practice; and iii) supports the council to deliver the Challenging Inequality Programme.
- 6.2 Through the EqIA process commissioning client officers must demonstrate Public Sector Equality Duty (PSED) in decision making, having due proper regard to: i) eliminating unlawful discrimination, harassment, victimisation and prohibited conduct; ii) advancing equality of opportunity between people who share a protected characteristic and those who do not; and iii) fostering good relations between people who share a protected characteristic and those who do not.
- 6.3 Contract clauses inserted in respect of a Protected Characteristic must be approved by the Legal Services Contracts Team.
- 6.4 Contractors may be encouraged to undertake appropriate equalities training.
- 6.5 Contractors will be required to sign the Fairness and Equality Charter in all procurement in value band iv).
- 6.6 Any exception to Procurement Rule 6.1 to 6.5 must be approved by the Assistant Director, Procurement and Supply.

7. Corporate Priorities

- 7.1 All contracts shall support the priorities set out in the Corporate Plan and/or Strategy.
- 7.2 Corporate priorities may change from time to time. For further information refer to www.islington.gov.uk.

8. Responsible Procurement

- 8.1 The Council has made a commitment to responsible procurement.
- 8.2 Officers shall consider the effect on the environment of their commissioning when procuring by:
 - 8.2.1 supporting tackling climate change and reducing waste, by considering how they can contribute to the Council becoming net zero carbon by 2030;
 - 8.2.2 reducing waste, improving resource efficiency and contributing to the move towards a circular economy;
 - 8.2.3 not specifying, purchasing or using products that damage the environment when a reasonable alternative is available to promote behaviour that causes the least damage to the environment;
 - 8.2.4 taking into account whole life costs such as energy, maintenance and end of life disposal costs where appropriate in tender evaluations;

- 8.2.5 identifying, prioritising and recognising that sustainability and buying environmentally friendly goods and services is part of continuous improvement;
- 8.2.6 completing an environmental impact assessment on all value band iv) contracts and considering any additional environmental benefit like biodiversity.
- 8.3 Officers shall, consistently with the council's Best Value duty and so far as permitted by relevant procurement legislation, consider the effect on others of their commissioning when procuring by:
 - 8.3.1 ensuring that the council's Public Sector Equality Duty is complied with in all procurement activity;
 - 8.3.2 leveraging opportunities to create new business, new jobs and new skills, particularly increasing opportunities for entrepreneurship and helping new and/or small businesses to grow, increasing employment opportunities particularly for those who face high barriers to employment or who are located in disadvantaged areas and extending training opportunities, particularly for people in industries with known skills shortages or in high growth sectors;
 - 8.3.3 promoting fair employment practices (also see Rule: London Living Wage);
 - 8.3.4 encouraging and improving supplier diversity, innovation and resilience, in contract advertisements, welcoming applicants who meet the qualitative selection criteria from voluntary and community sector enterprises (VCSEs), social enterprises, staff mutuals, new start-ups, not for profit enterprises and small to medium enterprises;
 - 8.3.5 promoting innovation and the use of disruptive technologies and business models throughout the supply chain, to deliver lower cost and/or higher quality goods and services, and encourage the wider adoption of innovation that contribute to the development of scalable and future-proofed new methods to modernise delivery and increase productivity;
 - 8.3.6 considering Social Value at each stage of the procurement (also see Rule: Public Services (Social Value) Act 2012), going beyond the Act and adopting a minimum 20% on social value in all tender award criteria as a matter of policy wherever possible.

9A. Freedom of Information Act 2000 and Environmental Information Regulations 2004

9A.1 The Freedom of Information Act 2000 and Environmental Regulations 2004 gives people the right to see information that is held by any public organisation. It is intended to make public authorities more open and responsible for their actions. The Act recognises that there are some valid reasons for withholding information. Contractors must be asked to complete a Freedom of Information Schedule (or equivalent named schedule) identifying any confidential or commercially sensitive information in their tender response. The Council will use this information when reviewing information for disclosure.

9B. Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)

9B.1 Public sector purchasers will be data controllers for most of the contracts they let. The current legislation on data protection requires that data controllers are accountable for how data is handled within the supply chain that processes those data. The UK

General Data Protection Regulation (UK GDPR) requires that data controllers to appoint data processors which can provide 'sufficient guarantees' that the requirements of GDPR will be met. Processors also must act only on the instructions of the data controller. This means that a public sector purchaser needs to have visibility of how data is being used and be sure that their suppliers (and their supply chains) are up to standard. Failure can bring fines of up to £17.5 million for public bodies under the UK GDPR and Data Protection Act 2018.

10. Conduct

- 10.1 Officers shall conduct themselves in line with the Employee Code of Conduct available on the Council's internet pages. Officers must not accept any gift or reward before, during or after a tender process beyond nominal value. Officers must declare any personal interest(s) in a contract prior to any involvement in a contract the Council is/are considering or a contract that has already commenced.

11. Transfer of Undertakings (Protection of Employment) Regulations (TUPE)

- 11.1 Whenever a new contractor is appointed to take over an existing service, the employees of the original contractor (or the Council, if the service was previously provided in-house) may be affected by transferring the services to another provider. If so, you must make sure TUPE issues are considered. You must get legal advice from the Legal Services before asking for tenders or quotations. This may also apply where a service is being re-configured and will in future be covered by a number of providers.

12. London Living Wage

- 12.1 As a matter of policy, London Living Wage (LLW) must be considered on all contracts where the Citizen's UK accreditation criteria for contracts apply. LLW consideration is encouraged on all contracts and shall be considered on all Value Band ii) contracts and above. LLW shall be adopted on all contracts insofar as this is permitted by law. A report shall be produced setting out all relevant considerations. The consideration report must be included within the contract file. The report must be approved by the relevant Director, Assistant Director, Procurement and Supply and/or appropriate person under delegated authority.

13. Public Services (Social Value) Act 2012

- 13.1 The Public Services (Social Value) Act 2012 came into force in February 2013. It covers services contracts that are covered by the Regulations but the principles can be applied to other contracts. In planning and conducting a Value Band iv procurement you must consider, and record within the contract file, how the procurement and contract shall:
- 13.1.1 consult and improve the economic, social and environmental well being of the borough and relevant partners;
- 13.1.2 secure and achieve any noted economic, social and environmental improvement.

Consideration shall be proportionate, reasonable, relevant and non discriminatory to the procurement and subsequent contract. The Council has adopted a minimum 20% on social value in all tender award criteria as a matter of policy wherever possible.

C – RESPONSIBILITIES

14. Commissioning and Procurement Board Responsibilities

- 14.1 The Commissioning and Procurement Board shall provide leadership and governance to:
- 14.1.1 challenge the approach and strategy of commissioning officers across the Council for the purposes of improving efficiency including category management and collaboration to ensure proposals are robust and sustainable;
 - 14.1.2 help the Council to challenge costs, then identify and capture savings opportunities;
 - 14.1.3 review third party spend, risk/opportunities, performance and transparency information for the purposes of embedding compliance;
 - 14.1.4 appraise the Council's approach to the Community Right to Challenge and make any initial assessment and comments on expressions of interest prior to Executive decision;
 - 14.1.5 improve the quality of business cases and reports, guiding commissioners on corporate and organisational objectives;
 - 14.1.6 promote social, environmental and economic considerations – social value;
 - 14.1.7 encourage opportunities to help local employment and local economies;
 - 14.1.8 improve organisational knowledge in regard to third party spend and encourage a commercial approach that still focuses on the service user;
 - 14.1.9 modernise the approach to commissioning, procurement and contract management in service delivery;
 - 14.1.10 critically assess changes in the wider environment such as new developments in legislation or technology where additional guidance or support may be required.
- 14.2 The Commissioning and Procurement Board shall provide direction on the best approaches towards commissioning, procurement and contract management including appropriate supply chain related issues.
- 14.3 The Commissioning and Procurement Board will record minutes of their activities and these shall be made available upon request.
- 14.4 All key decision procurement strategies shall be challenged by the Commissioning and Procurement Board to qualitatively improve their content, unless otherwise agreed by the Assistant Director, Procurement and Supply.
- 14.5 All proposed optional contract extensions, where the original procurement strategy was a key decision, shall be reviewed and challenged by the Commissioning and Procurement Board, unless otherwise agreed by the Assistant Director, Procurement and Supply.

14.6 Indexation or inflation related claims for key decision value agreements for the original procurement strategy and contract award (not the increase) shall be challenged by the Commissioning and Procurement Board, prior to being submitted for final decision – this may be the process or the individual claim at the discretion of the Chair.

15. Supply Chain Practitioners Group Responsibilities

15.1 The Supply Chain Practitioners Group shall:

- 15.1.1 keep an awareness of what supply chain activity is happening within departments;
- 15.1.2 act as a conduit of best practice for supply chain;
- 15.1.3 provide information for reports and input for newsletters;
- 15.1.4 maintain or liaise with the departmental person(s) responsible for maintaining the procurement forward plans for respective departments;
- 15.1.5 provide a first line information source on where to find supply chain information.

16. The Executive Responsibilities

16.1 The Executive shall:

- 16.1.1 approve the award or variation of contracts where the value of the contract or variation (to the Council) is estimated to exceed officers delegated authority (in the case of Revenue Spend or Capital Spend) unless, in the case of Capital Spend the contract is for works approved as part of the capital programme which are to be provided under a framework agreement (established by the council on its own or in partnership with any other organisation) in which case, Corporate Directors and the Chief Finance Officer shall be authorised to approve such award. Revenue and Capital Spend are more particularly defined within the main Financial Regulations.
- 16.1.2 approve awards without performance security where the contract exceeds £5,000,000.

16.2 The Executive may delegate its responsibilities under this Rule 16 to Corporate Directors or the Chief Finance Officer.

17. Chief Executive Responsibilities

- 17.1 The Chief Executive is responsible for making sure that Corporate Directors carry out their responsibilities under these rules and for acting or appropriately delegating where a Corporate Director is not able to carry out these responsibilities.
- 17.2 The Chief Executive has all the powers of the Corporate Director set out in Rules 18 and 19 below.

18. Corporate Director and Chief Finance Officer Responsibilities

18.1 Corporate Director and Chief Finance Officer responsibilities include:

- 18.1.1 awarding contracts paid for using revenue money of up to £2,000,000 of Islington Council spend and contracts paid for using capital money of up to £5,000,000 of Islington Council spend
- 18.1.2 agreeing an amendment to a contract where the value of the amendment is up to £2,000,000 in the case of a revenue contract or £5,000,000 in the case of capital expenditure;
- 18.1.3 awarding contracts paid for using revenue money over £2,000,000 of Islington Council spend where authorised to do so under the constitution or by a specific Executive decision
- 18.1.4 awarding contracts paid for using capital money over £5,000,000 of Islington Council spend where authorised to do so under the constitution or by a specific Executive decision;
- 18.1.5 awarding contracts over £5,000,000 under a framework agreement (established by the Council on its own or in partnership with any other organisation) using capital money where the spend is part of the approved capital programme.

19. Corporate Director Responsibilities

19.1 Corporate Director responsibilities include:

- 19.1.1 making sure that the Procurement Rules, Key Decision procedures and Access to Information rules are followed;
- 19.1.2 making sure the Council achieves value for money;
- 19.1.3 taking immediate action if someone breaks the Procurement Rules;
- 19.1.4 making sure proper and detailed records of all contracts are kept;
- 19.1.5 making sure a record is kept when it is decided that these Procurement Rules do not have to be followed;
- 19.1.6 making sure arrangements are in place for opening tenders (where not conducted through the Council's e-tendering portal under the responsibility of the Assistant Director, Procurement and Supply) and keeping departmental copies of tenders (in electronic soft copy or physical hard copy) safe;
- 19.1.7 making sure that the Council's corporate seal is placed on any document that needs to be 'sealed and executed' as a deed, and that where a document does not need to be sealed, it is signed by two authorised officers;
- 19.1.8 agreeing to waive security of performance on a contract up to £5,000,000 of Islington Council spend;
- 19.1.9 deciding to accept a contract with lower levels of insurance cover and to accept a contract without professional indemnity insurance;
- 19.1.10 deciding, with advice from the Assistant Director, Procurement and Supply and the Legal Services Contracts Team (subject to rule 28.6) on whether to apply a competitive procedure with negotiation or a competitive dialogue where in

response to an open or a restricted procedure only irregular or unacceptable tenders are submitted

- 19.1.11 in cases where the Public Contract Regulations do not require a specified process to be followed in respect of the procurement, agreeing to negotiate a contract direct with a completed waiver form; and
 - 19.1.12 keeping a register of all contracts for their service and having all contracts duplicated on the corporate contracts database register with an official number and having mechanisms in place for those entries to be kept up-to-date
 - 19.1.13 taking responsibility for indexation or inflation related claims whether above or below key decision threshold agreements for the original procurement strategy and contract award (not the increase) where the matter is urgent and then then to retrospectively explain to Commissioning and Procurement Board the reasons for urgency and decision taken.
- 19.2 The Director of Public Health and the Partnership Director of Fairer Together have the equivalent status as Corporate Directors in regard to the responsibilities of the Procurement Rules.

20. Finance Responsibilities

20.1 The finance department shall:

- 20.1.1 provide guidance to client commissioning officers on procurement implications to associated budgets where multiple departments could be affected;
- 20.1.2 commit the budget to being available for any procurement activity; and
- 20.1.3 comment on all reports for the Corporate Management Board and Executive Reports
- 20.1.4 arithmetically calculate and check proposed increases to contracts, in addition to challenging the relevant index to be applied.

21. Legal Services Contracts Team Responsibilities

21.1 The Legal Services Contracts Team shall:

- 21.1.1 provide advice on the Public Contract Regulations, the Procurement Rules and responsibilities to client commissioning officers;
- 21.1.2 prepare conditions of contract and associated documents to include in the tender documents in a timely manner;
- 21.1.3 advise on any legal issues arising in relation to the contract and the procurement process;
- 21.1.4 review any proposed Contractor terms and conditions at the request of the commissioning officer;

21.1.5 advise on and where required negotiate on behalf of the commissioning officer, amendments to the conditions of contract.

22. Commissioning Officer Responsibilities

22.1 Commissioning officers (officers leading on procurement) shall:

22.1.1 follow the Procurement Rules, decision making procedures and Access to Information rules;

22.1.2 in planning and conducting a Value Band iv) procurement consider, and record within the contract file, how the procurement and contract will:

22.1.2.1 consult on and improve the economic, social and environmental wellbeing of the borough and relevant partners;

22.1.2.2 secure and achieve any noted economic, social and environmental improvement.

22.1.3 complete an Health and Safety Impact Assessment (other than where the purchase consists of system software to operate computer hardware), and London Living Wage consideration report for a Value Band ii) contract or above;

22.1.4 complete an Environmental Impact Assessment, and Risk Assessment for a Value Band iv) contract;

22.1.5 get a corporate contract database register number from Strategic Procurement and Supply Assurance for all Value Band ii) contract or above;

22.1.6 instruct the Legal Services Contracts Team in good time to prepare, or give advice on, all terms and conditions;

22.1.7 notify Democratic Services and write appropriate reports needed by the Executive and to submit these in time to meet deadlines in both the committee schedules and procurement timetable;

22.1.8 ensure resources are in place to manage the let contract;

22.1.9 ensure there is sufficient budget for the contract;

22.1.10 seek legal advice when terminating a contract and/or withholding payments;

22.1.11 ensure a minimum of one contract review per annum to ensure the quality of the service and to promote continuous improvement;

22.1.12 consider Data Protection and Cyber Security risks of the proposed procurement and following applicable advice from Digital Services, Information Governance and Legal Services on how personal data is appropriate, accessed and adequately secured;

22.1.13 undertake a Data Protection Impact Assessment when required, informing their Information Asset Owner and Information Leads of any procurement that will require processing of personal data.

23. Strategic Procurement and Supply Assurance Responsibilities

23.1 Strategic Procurement and Supply Assurance shall:

- 23.1.1 review the Procurement Rules and associated policies and documentation;
- 23.1.2 maintain a repository of skills and expertise to provide procurement and supply advice;
- 23.1.3 support commissioning officers when going out to tender with an appropriate level of advisory support, examining options available to the commissioning officer in light of procurement best practice and legislation and to advise commissioning officers to liaise with Democratic Services regarding the council's decision making processes;
- 23.1.4 liaise with the Legal Services Contracts Team to assist in ensuring that all the advice provided and procedures being followed are legally compliant;
- 23.1.5 provide procurement and spend information for statistical purposes and return for the governmental organisations.

D – Procurement Administrative Process

24. Quotations

- 24.1 All quotations for Value Band ii) and iii) must be received in a written format of formal letter quotation, facsimile, email or catalogue and based on a written statement of needs and have a written justification under value for money for selection of provider;
- 24.2 All quotations for Value Band ii) and above should have formal terms and conditions as prepared or agreed by the Legal Services Contracts Team, unless the Legal Services Contracts Team provides exemption to those conditions.

25. Selection Criteria

- 25.1 In accordance with the Regulations and with guidance from Strategic Procurement and Supply Assurance, selection criteria may only relate to:
 - 25.1.1 Exclusion grounds;
 - 25.1.2 Suitability to pursue a professional activity;
 - 25.1.3 economic and financial standing;
 - 25.1.4 technical and professional ability.
- 25.2 The Council operates a selection questionnaire to ensure contractors meet these conditions where permitted by the Public Contract Regulations.
- 25.3 Any deviation from the council's standard selection questionnaire must be reported to the Assistant Director, Procurement and Supply for approval and subsequent reporting by the Assistant Director, Procurement and Supply to the Crown Commercial Service.
- 25.4 Organisations found guilty of conducting fraud, such as 'cover pricing', will not normally be considered. Organisations shall be required to make declarations in regards to professional and business conduct, including Blacklisting, to the satisfaction of the Council before being invited to tender or tenders assessed.

26. Award Criteria

- 26.1 All award criteria must be linked to the subject matter of the contract, ensure the possibility of effective competition and be accompanied by specifications. The award conditions should be documented in the procurement documents including any weighting to be applied. Contractors assessed against these criteria are entitled to have access to their results and feedback, records must be kept of these results in line with retention procedures held by Strategic Procurement and Supply Assurance for matters in relations to procurement.
- 26.2 Tenders can only be awarded against criteria in accordance with the Public Contract Regulations.
- 26.3 All award criteria should be published in the tender advert, unless otherwise specifically agreed by the Assistant Director, Procurement and Supply . In all cases

the award criteria shall be included within the procurement documents in accordance with the Regulations.

27. Invitations to Tender

27.1 All invitations to tender must include:

- 27.1.1 a description of the requirements with enough detail to allow the tenderer to make a competitive offer (a specification or term brief);
- 27.1.2 a requirement for tenderers to declare that they have not given the tender content and price to any other organisation (unless if necessary in confidence, such as the tenders' subcontractors, with prior authorisation);
- 27.1.3 a requirement for tenderers to fill in fully and sign all tender documents (electronically signed by return for e-tenders);
- 27.1.4 a statement that tenders are put forward at the tenderer's expense;
- 27.1.5 a list of the award criteria and the scoring/weighting system;
- 27.1.6 if the tender is being returned by post this must be agreed by the Assistant Director, Procurement and Supply and a statement that no tender will be considered unless it is enclosed in a sealed envelope or container which has the word 'tender' followed by the contract name, but no other name or mark showing who sent it;
- 27.1.7 a statement that tenders sent by post or e-mail will only be considered and accepted by the Council with the authority of the Assistant Director, Procurement and Supply;
- 27.1.8 how any pricing mistakes discovered in the tender will be dealt with;
- 27.1.9 statement that the Council can recover costs from the cancellation of any contract in the event the Contractor should offer, agree to offer or provide an officer, member or person associated with the Council, partner or its agent an inducement or reward in respect of a contract;
- 27.1.10 a statement that we do not have to accept the lowest tender, or indeed any tender.

28. Putting Tenders Forward

- 28.1 Officers should sufficiently prepare in advance for procurement processes to allow for advertising and other decision making timescales.
- 28.2 Tenders should normally be received through the Council's e-tendering portal. Posted and emailed tenders may only be used with the express consent of the Assistant Director, Procurement and Supply. Faxed tenders will no longer be permitted.
- 28.3 All intentions to seek tenders must be notified to Strategic Procurement and Supply Assurance in writing including title, estimated annual value, contract length and commissioning officer (or responsible officer if different).

- 28.4 Mini-competitions from framework agreements are not tenders, but should be notified to Strategic Procurement and Supply Assurance whenever these are value band iv).
- 28.5 Mini-competitions in value band iv) from framework agreements should be conducted through the Council's e-tendering portal unless otherwise agreed by the Assistant Director, Procurement and Supply.
- 28.6 All procurement activity where a third party provider is running the process, regardless of value, should be notified to the Assistant Director, Procurement and Supply to determine the appropriateness of the procurement process.
- 28.6 All mini-competitions from framework agreements where a third party provider is running the quotation process, regardless of value, should be notified to the Assistant Director, Procurement and Supply to determine the appropriateness of the procurement process.
- 28.7 Copies of the assessment will be required to be supplied to the Council whenever a third party has conducted procurement on the Council's behalf.

29. Receiving and Opening tenders

- 29.1 Tender should normally be received via the Council's e-tendering portal. Tenders via other portals may be required when using professional buying organisations, but only when agreed by the Assistant Director, Procurement and Supply. Each tender received must be:
- 29.1.1 recorded with the date and time it was received;
 - 29.1.2 kept in a safe place; and
 - 29.1.3 reported to Strategic Procurement and Supply Assurance.
- 29.2 All tenders not conducted through the Council's e-tendering portal must be by agreement of the Assistant Director, Procurement and Supply and be opened in the presence of a Tender Opening Panel (TOP). The TOP must be made up of at least two officers, one of whom should be the commissioning client officer.
- 29.3 Contracts estimated over the thresholds mentioned in 2.2 must have a member of Strategic Procurement and Supply Assurance on the TOP, unless specifically agreed by the Assistant Director, Procurement and Supply.
- 29.4 Tenders should be through the electronic e-tendering portal managed by Strategic Procurement and Supply Assurance when/wherever possible. When opening electronic tenders, all tenders must be opened at the same time.
- 29.5 Tenders received after the set time for receiving them, but before the TOP has begun opening them, may be opened and then considered only if agreed by the Assistant Director, Procurement and Supply agree that it is appropriate to do so.
- 29.6 Tenders received after the TOP has begun opening tenders "late tenders" will not be considered unless specifically agreed by the Assistant Director, Procurement and Supply or are for land/building property purchases. This applies equally to tenders received through the Council's e-tendering portal. Tenders received late and not to be

considered will be returned or the relevant bidder written to as indicated by the Assistant Director, Procurement and Supply.

- 29.7 All tenders opened by the TOP will be evaluated in a timely manner against the advertised award conditions.
- 29.8 All extensions to tender return dates must be authorised by the Assistant Director, Procurement and Supply.
- 29.9 Errors or matters of ambiguity in tenders should be highlighted to the Assistant Director, Procurement and Supply to decide whether an extension is appropriate for satisfactory return of bids.

30. Negotiation

- 30.1 The negotiated procedure, either with or without competition, may be used in accordance with the provisions of the Regulations and only where agreed by the Assistant Director, Procurement and Supply and Legal Services Contracts Team to ensure compliance with the Regulations.
- 30.2 A Corporate Director can decide in consultation with the Assistant Director, Procurement and Supply that a contract should be awarded by post-tender negotiation (discussions after tenders have been received), subject to the Regulations.
- 30.3 Negotiations must be carried out by at least two (2) senior officers:
 - 30.3.1 at least one of whom is a Chief Officer that the Corporate Director has nominated as their representative and who is authorised to act in their name;
 - 30.3.2 the second officer must be equivalent to principal officer grade PO5 or above (or equivalent, where not on a national joint council post grade).
 - 30.3.3 Corporate Directors are responsible for the actions of the people they have nominated
 - 30.3.4 Officers taking part in a negotiation should discuss their strategy with the Assistant Director, Procurement and Supply.
- 30.4 Negotiations must be fully minuted and the actions agreed by both parties.

31. Awarding Tenders

- 31.1 The commissioning officer must prepare a contract award report for any every contract which is in value band ii) or above and keep that report on the contract file. More guidance is available from Strategic Procurement and Supply Assurance but the report must normally include:
 - 31.1.1 an introduction and summary of the requirement;
 - 31.1.2 outcomes, efficiencies and savings as a consequence of award;
 - 31.1.3 chosen procurement route and justified options discounted;
 - 31.1.4 length of arrangement including any extension options;

- 31.1.5 criteria against which the contractor was selected and subsequently awarded;
 - 31.1.6 the make up of the project team, noting any Member involvement;
 - 31.1.7 the estimated value/actual value for the life of the contract;
 - 31.1.8 dates and information regarding previous tendering in the case of a recurring procurement;
 - 31.1.9 pre tender assessment information;
 - 31.1.10 copies of any documentation required under Commissioning Officer Responsibilities within these Procurement Rules.
- 31.2 The Commissioning officer must write to the successful bidder telling them that the Council has accepted their offer and to the unsuccessful bidders telling them that the Council has not accepted their offers including in both cases their evaluation scores and the score of the winning tender(s) at the same time, published through the Council's e-tendering portal unless agreed by the Assistant Director, Procurement and Supply;
- 31.3 Tenders awarded in line with the Regulations must be notified that the Council will accept the successful tender as long as no objections are raised by any of the unsuccessful bidders during the ten (10) day appeal period where applicable;
- 31.4 The Contract must not be signed until the ten (10) day standstill period has passed without objection where applicable;
- 31.5 The successful Contractor must not commence work until the contract has been signed in line with Section A above.

32. Keeping records

- 32.1 The Commissioning officer's department must keep:
- 32.1.1 successful contract files for twelve (12) years after the end of the contract for all sealed contracts;
 - 32.1.2 successful contract files for six (6) years after the end of the contract for all other contracts;
 - 32.1.3 unsuccessful contract files for two (2) years.

33. Contract Management

- 33.1 A record of all contract amendments and variation orders (orders to amend contracts) must be issued in writing and sent electronically to Strategic Procurement and Supply Assurance;
- 33.2 Commissioning officers must file a copy of every variation order in the contract file highlighting any risk to their relevant manager and any other affected departme

LOCAL CODE OF CORPORATE GOVERNANCE

What is Corporate Governance?

Governance is about how an organisation such as a local authority ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

It comprises the systems, processes, cultures and values, by which the organisation is directed and controlled and through which it accounts to, engages with and, in the case of a local authority, leads the community.

Islington Council aims to meet the best practice standards of “Delivering Good Governance in Local Government Framework”, the guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE), which have been taken into account in preparing this document.

Good governance leads to good management, good performance and good stewardship of public money. It therefore enables Islington Council to implement effectively its vision in accordance with its values and to engage effectively with its citizens and service users and ensure good outcomes for them.

Roles and Responsibilities

Overall responsibility for corporate governance rests with the Council and in particular the Leader of the Council and Chief Executive.

The Audit Committee and the Standards Committee (which is responsible for standards of member conduct) will receive reports concerning the effectiveness of the Council’s corporate governance arrangements.

The Corporate Governance Group will include in its membership the Monitoring Officer, the Chief Finance Officer and the Head of Internal Audit and will be responsible for monitoring and providing assurance on the governance process and making reports to the Audit Committee and Standards Committee as appropriate.

Members will:

- Focus on the purpose of the authority and on outcomes for the community;
- Work effectively with officers to achieve a common purpose, whilst understanding the clearly defined different functions and roles;
- Promote the values of the authority and demonstrate the values of good governance by upholding high standards of conduct and behaviour;
- Take informed and transparent decisions which are subject to effective scrutiny;
- Develop their own capacity and capability;
- Engage with local people and other stakeholders.

The Principles of Governance

Islington Council provides many different services and undertakes many different functions.

Four key business roles for local authorities have been defined by CIPFA/SOLACE as:

- Effective partnership and community leadership;
- Provision of high quality services;
- Stewardship and value for money; and
- Building communities.

Islington Council operates through a governance framework which brings together and reflects legislative requirements, governance principles and good management processes. The Council will apply six core principles identified by CIPFA/SOLACE in performing its key roles and other duties as a local authority. These core principles are:

1. Focusing on the purpose of Islington Council and on outcomes for the community and creating and implementing a vision for the local area;
2. Members and officers working together to achieve a common purpose with clearly defined functions and roles;
3. Promoting values for Islington Council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
5. Developing the capacity and capability of members and officers to be effective;
6. Engaging with local people and other stakeholders to ensure robust accountability.

Supporting each of the six principles is a series of supporting principles, each of which in turn translates into a range of specific requirements which are reflected in this Code.

Islington Council's Commitment to an Effective Governance Framework

Islington Council will develop and promote an effective governance framework that will demonstrate the following attributes:

1. A clear vision of the Council's purpose and intended outcomes for citizens and service users that is clearly communicated, both within the Council and to external stakeholders;
2. Arrangements for review of the Council's vision and its implications for the Council's governance arrangements;
3. Arrangements for measuring the quality of council services provided (including those delivered in partnership) and ensuring they are delivered in accordance with Islington Council's objectives and values and represent the best use of resources;
4. Clearly defined and documented roles and responsibilities for executive, non-executive, scrutiny and officer functions with clear delegation arrangements and protocols for effective communication;
5. Codes of conduct defining standards of behaviour for members and staff in place which conform with appropriate ethical standards and are communicated and embedded across the Council;

6. Procedural rules and supporting manuals and guidance (which are reviewed and updated as appropriate) which support transparency in decision making, define how Islington Council takes decisions and its processes and controls to manage risks while using its legal powers to the full benefit of the Islington community;
7. Clear identification and communication to staff of documents forming part of the Council's regulatory framework and related guidance;
8. An Audit Committee as defined in CIPFA's Audit Committees – A Practical Guide for Local Authorities 9200 and a Standards Committee;
9. Arrangements to ensure compliance with relevant laws and regulations, internal policies and procedures and to ensure that expenditure is lawful with all reports considered for legal issues before submission to members;
10. Well publicised arrangements for whistle-blowing and for receiving and investigating complaints from the public in place;
11. Arrangements to provide the resources, training and other support for members and senior officers in relation to their roles, including their governance roles;
12. Clear channels of communication with all sections of the community and other stakeholders, ensuring accountability and open consultation and encouraging individuals from all sections of the community to engage with, contribute to and participate in the work of Islington Council;
13. Governance arrangements with respect to partnerships and other group working which incorporate good practice as identified by the Audit Commission's report on the governance of partnerships and are reflected in the authority's overall governance arrangements.

Sources of assurance

Management from across the organisation will provide the primary source of assurance and the Corporate Governance Group will ensure there are appropriate assurance gathering arrangements in place to enable those assurances to be mapped against the six core principles identified in this Code. An effective internal audit function will also be a significant source of assurance.

Further assurances from a wide range of external sources including:

- Inspections;
- External audit (Annual Accounts);

Islington Council will undertake regular, at least annual, reviews of their governance arrangements to ensure continuing compliance and such reviews will be reported within the Council to the Audit Committee.

An Annual Governance Statement on the extent to which the Council complies with this Code and how it has monitored the effectiveness of its governance arrangements will be prepared and reported externally with the statement of accounts.

To ensure that the process of preparing the governance statement will, in itself, add value to the corporate governance and internal control framework of the Council, the statement will be prepared in accordance to "Delivering Good Governance in Local Government Framework", published by CIPFA/SOLACE.

PART 7

MEMBERS' ALLOWANCES SCHEME

1. MEMBERS' ALLOWANCES SCHEME

- 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.

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 2022-23 is £12,717.00. 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 £136.36 per meeting

Audit Committee and Children's Services Scrutiny Committee

Co-opted Members £136.36 per meeting

Pension Board

Independent Member £136.36 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 unwell relatives who cannot be left alone (either temporarily or permanently). 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 £13.15 per hour, based on the Living Wage Foundation's 'real living wage', 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 £13.15 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	-	the current advisory fuel and mileage rate published by HMRC

Members can claim receipted expenses, up to a maximum value to be agreed by the Chief Whip for meals for approved duties lasting 4 or more hours away from your home or usual place of work. Alternatively members can claim a meal allowance in accordance with HMRC's benchmark scale rates. Details 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

- 4.1 The Local Government Association have their own Members' Allowances Scheme payable to those Members' of Executive and Scrutiny bodies of the Association.

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 Head of Democratic Services and Governance; 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, other than meal or mileage allowance 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 LEAVE AND PAY

7.1 Leave Periods

- 7.1.1 Members giving birth are entitled to up to 6 months' maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 7.1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 7.1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 7.1.4 Members shall be entitled to take a minimum of 2 weeks' paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- 7.1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
- 7.1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.
- 7.1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
- 7.1.8 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice

requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

- 7.1.9 Any member taking maternity, paternity, shared parental, adoption or sickness leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

7.2 Basic Allowance

- 7.2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity, adoption or sickness leave.

7.3 Special Responsibility Allowances

- 7.3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental, adoption or sickness leave.
- 7.3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.
- 7.3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental, adoption or sickness leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for up to a further six month period
- 7.3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental, adoption or sickness leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowance shall apply.
- 7.3.5 Unless the Member taking leave is removed from their post at an Annual Meeting of the Council whilst on leave, or unless the Group to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

7.4 Attendance, Resigning from Office and Elections

- 7.4.1 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.
- 7.4.2 If a Member decides not to return at the end of their maternity, paternity, shared parental, adoption or sickness leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

7.4.2 If an election is held during the Member's maternity, paternity, shared parental, adoption or sickness leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the date that they leave office.

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

For any advice in relation to the Scheme please contact Democratic Services.

APPENDIX A

SPECIAL RESPONSIBILITY ALLOWANCES 2022-23

<u>Band 4</u>	<u>Amount £</u>
Leader of the Council	49,446.37
<u>Band 3</u>	
Executive Members	38,607.54
<u>Band 2</u>	
Leader of the Opposition	15,763.79
Chair of Policy and Performance Scrutiny Committee	8,840.58
Chief Whip	5,889.49
<u>Band 1(a)</u>	
Chairs of Scrutiny Committees	5,889.49
Chair of Licensing Committee	5,889.49
Chair of Planning Committee	5,889.49
<u>Band 1</u>	
Chair of Audit and Risk Committee	3,535.60
Chair of Planning Sub Committee A	3,535.60
Chair of Planning Sub Committee B	3,535.60
Chair of Employment and Appointments Committee	3,535.60
Chair of Licensing Sub Committee A	2,077.60
Chair of Licensing Sub Committee B	2,077.60
Chair of Licensing Sub Committee C	2,077.60
Chair of Licensing Sub Committee D	2,077.60
Mayor	6,177.19
Deputy Mayor	1,186.78
Member of the Adoption and Fostering Panels	7,068.02

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

APPENDIX B

PART 1

Rates of Travelling Allowances and provisions relating thereto:

1. (1) The rate of travel by **public transport** shall not exceed the amount of the ordinary standard fare.

(2) The rate specified in the proceeding sub-paragraph may be increased by supplementary allowances not exceeding expenditure actually incurred on sleeping accommodation engaged by the member for an overnight rail journey
2. Mileage allowance payments for travel using a member's personal vehicle, shall not exceed the HMRC approved mileage rates available [here](#).
3. The rate of travel by **taxi-cab** or cab, in cases of urgency or where no public transport is readily available, shall not exceed, the amount of the actual fare and any reasonable gratuity paid.
3. The rate of **travel by air** shall not exceed the rate applicable to travel by appropriate alternative means of transport.

Unless the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding;

(a) the ordinary standard fare by regular air service, or

(b) where no such service is available or in case of urgency, the fare actually paid by the member.

PART 2

Rates of Subsistence Allowance

1. (1) The rate of **subsistence allowance** shall not exceed the HMRC benchmark, available [here](#).

(2) In the case of an **absence overnight** from the usual place of residence £100.00 and for such an absence overnight in London, or for the purposes of attendance at a conference (including or not including an annual meeting) of the Local Government Association or such other association of bodies as approved by the Chief Whip, £120..
 2. Any rate determined under paragraph 1(b) above shall be deemed to cover a continuous period of absence of 24 hours.
 3. The rates specified in paragraph 1 above shall not apply in respect of any **meal provided free of charge** by any authorities or body in respect of the meal or the period to which the allowance relates.
 4. Where **main meals (i.e. breakfast, lunch or dinner) are taken on trains** during a period for which there is an entitlement to a day subsistence allowance, the reasonable cost of the meals (including VAT), may be reimbursed in full.
-



ISLINGTON

CLAIM FOR TRAVEL AND SUBSISTENCE ALLOWANCES

A Member of the Council is entitled to claim travelling and subsistence allowances as set out below:

A. Travel Allowances:

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 advisory rates set by HMRC.

Travel by taxi will only be paid in cases of urgency or where no public transport is reasonably available. The amount shall not exceed the amount of the actual fare and any reasonable gratuity paid.

B. Subsistence:

Expenditure on meals, supported by a receipt or a 'meals' allowance for approved duties that last **4 or more hours**.

Expenditure on overnight stays will be reimbursed at the actual cost, up to the values listed above.

Receipts:

You should submit receipts/tickets for all travel and subsistence claims or invoices for payment direct to the Head of Democratic Services and Governance. You should submit all claims within **two** months of the duty undertaken.

DEPENDENT CARERS' ALLOWANCE FORM (SEE PAGE 2 OF THIS FORM FOR DETAILS OF WHAT CAN BE CLAIMED)

Meeting title	Date	Start time	Finish time	Travel Time	Allowance claimed £

Declaration by Councillor: I declare that I have incurred the above expenditure in respect of care for:
 who is my Child's date of birth:.....
(NAME OF CHILD/DEPENDENT) (RELATIONSHIP TO CHILD/DEPENDENT)

I confirm that the carer was not a member of my household and that the above statements are true and correct.

PRINT NAME: _____ SIGNATURE: _____ Date _____

APPROVAL BY HEAD OF DEMOCRATIC SERVICES AND CONFIRMATION THAT THE COUNCILLOR ABOVE ATTENDED THE MEETINGS LISTED:

SIGNED: _____ DATE: _____

For Office use only	
Date Received by Finance ___/___/___	Payroll Check No:.....
Claim checked by Head of Democratic Services	
Signed _____	Dated _____

DEPENDENT CARERS' ALLOWANCE

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 unwell relatives who cannot be left alone (either temporarily or permanently). 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 £13.15 per hour, based on the Living Wage Foundation's 'real living wage', 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 £13.15 as a contribution towards travelling time to and from the meeting venue.

You should submit your claim within **two** months of the duty undertaken.

Please note:

Claims can be met only if they result from an 'approved duty' as defined in Section 177(2) of the Local Government Act 1972. This includes attendance at meetings of the authority and its subsidiary bodies and the carrying out of any activity approved by the Authority.

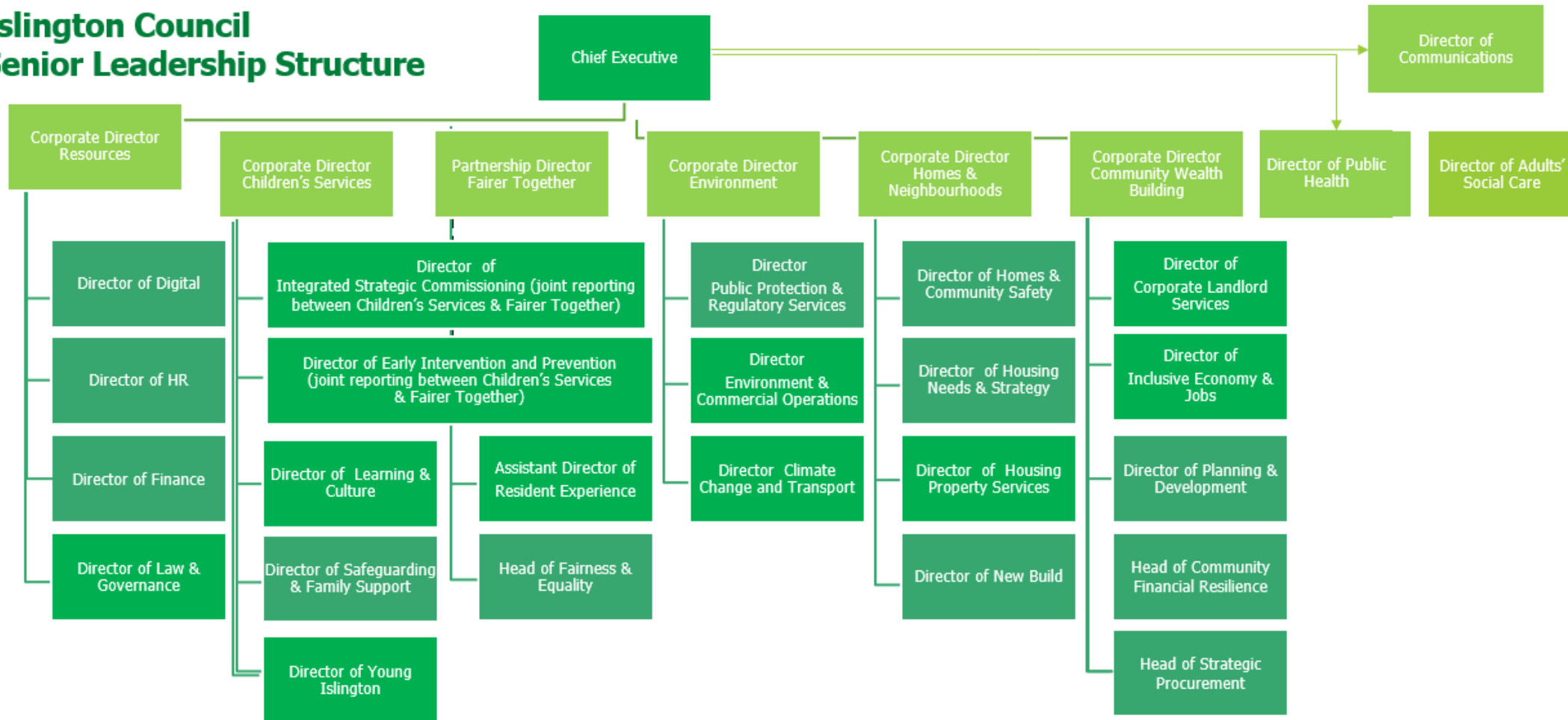
If Members are unsure as to whether a proposed activity is covered under this criteria, they should refer the matter to the Head of Democratic Services.

The statements on the claim form are entirely the responsibility of the Member signing the certificate.

PART 8

MANAGEMENT STRUCTURE

Islington Council Senior Leadership Structure



APPENDICES

- 1 Executive Job Descriptions**

- 2 Executive and Non-executive Functions**
 - (i) Functions Which Cannot Be Exercised By The Executive**

 - (ii) Allocation of local choice functions to the Executive and to the Council and its Committees**

- 3 Additional Delegations To Officers**

- 4 Proper Officers**

- 5 Further Detail Of The Exempt Information Requirements**

- 6 Definitions**

APPENDIX 1

Executive Job Descriptions

London Borough of Islington

The Role of The Leader

1. Political leadership

- To undertake all the duties expected of the Leader of the Council
- To provide political leadership of the Council.
- To set out a vision for Islington and the strategic plans that will enable the Council to play its part in achieving it.
- To provide political leadership in the coordination of policies, strategies and high quality service delivery across the Council.
- To appoint and remove the members of the Executive and allocate Executive functions.
- To chair the Executive and share collective responsibility for Executive decisions.
- To be the principal political spokesperson for the Council.
- To support, develop and performance manage members of the Executive and build and develop the Executive as a team.

2. Corporate leadership

- To give political direction to the Chief Executive, Corporate Directors and other officers.
- To provide as part of the Council's service and financial planning process, political leadership in the development and implementation of the Council's Corporate Plan and Budget.
- To work with officers to formulate policy proposals for the Executive.
- To work with and support the Chief Executive, Corporate Directors and other officers in the implementation of policy.
- To have an overview of the performance, efficiency, effectiveness, risk and equalities agenda across the Council.
- To liaise with the appropriate scrutiny chair and receive and respond to scrutiny reports.
- To be the spokesperson for the portfolio to the local, regional and national media.

3. Partnership and community leadership

- To act as a community leader including providing leadership to partners and stakeholders in meeting the needs of Islington residents.
- To be an advocate for the local community and a spokesperson for residents.
- To lead consultations with stakeholders.
- To lead the promotion of council priorities amongst stakeholders and partners.
- To build cross-borough links that progress the council objectives and priorities.
- To represent the Council at and contribute to London-wide, national and international bodies/forums, to promote the interests of Islington residents and local governance.

4. Reporting and accountability

- To report as appropriate to Full Council, Executive, appropriate scrutiny, regulatory bodies and stakeholders.
- To appear before Overview and Review Committees as required.

5. Governance, Ethical Standards and relationships

- To promote and support good governance of the Council.
- To promote and support open and transparent government.
- To support and adhere to respectful, appropriate and effective relationships with officers.
- To adhere to the Code of Conduct, Member/Officer Protocol and the highest standard of behaviour in public office.

London Borough of Islington

The role of the Deputy Leader

1. To carry out the responsibilities of the Leader in the Leader's absence or while the post of Leader is vacant.
2. To fulfil the role of an Executive Member.

London Borough of Islington

The Role of an Executive Member

1. Providing leadership across the Council

- To be part of the collective political leadership of the Council.
- To support the Leader and other colleagues in developing and delivering the strategic objectives of the Council both within the portfolio area and across the whole of the Council's activities.
- To be interested and support the portfolios of others.
- To recognise and contribute to issues which cut across portfolios.
- To share collective responsibility for Executive decisions.

2. Providing portfolio leadership

- To provide leadership in the portfolio and be the principal political spokesperson for the portfolio.
- To give political direction to officers working within the portfolio.
- To provide as part of the Council's service and financial planning process, political portfolio leadership to the development and implementation of relevant areas of the Council's Corporate Plan, Budget and departmental plans.
- To work with officers to formulate policy proposals for the Executive.
- To work with and support officers in the implementation of policy.
- To have an overview of the performance, efficiency, effectiveness, risk and equalities agenda within the portfolio.
- To liaise with the appropriate scrutiny chair and receive and respond to scrutiny reports.
- To be the spokesperson for the portfolio to the local, regional and national media.

3. Leading partnerships and community leadership

- To act as a community leader including providing leadership to partners and stakeholders in meeting the needs of Islington residents.
- To be an advocate for the local community and a spokesperson for residents.
- To lead consultations with stakeholders.
- To play a leading role in promoting council priorities amongst stakeholders and partners.
- To build cross-borough links that progress the council objectives and priorities.
- To contribute to London-wide and where appropriate, national bodies/forums, to promote the interests of Islington residents and local governance

4. Reporting and accountability

- To report as appropriate to the Leader, Full Council, Executive, appropriate scrutiny, regulatory bodies and stakeholders.
- To appear before Overview and Review Committees in respect of matters within the portfolio.

5. Governance, Ethical Standards and relationships

- To promote and support good governance of the Council.
- To promote and support open and transparent government.
- To support and adhere to respectful, appropriate and effective relationships with officers.
- To adhere to the Code of Conduct, Member/Officer Protocol and the highest standard of behaviour in public office.

APPENDIX 2

EXECUTIVE AND NON-EXECUTIVE FUNCTIONS

(i) FUNCTIONS WHICH CANNOT BE EXERCISED BY THE EXECUTIVE

This table (based on the provisions of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the “Regulations”)) sets out the functions of the Council which by law cannot be exercised by the Executive. All these functions will be exercised by officers unless they are reserved to a member body or referred to a member body by an officer. Numbers omitted or comments in square brackets relate to legislation which has been repealed or amended since the Regulations were enacted.

<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>	
A. Functions relating to town and country planning and development control		All of the functions listed under this section A will be exercised by the Corporate Director – Community Wealth Building or an officer within the Corporate Director’s department to whom the function has been delegated under Part 3 UNLESS the function falls within the terms of reference of the Planning Committee or one of its sub-committees or is required to be undertaken by the Council itself
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.	
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	

<p>5. Duties relating to the making of determinations of planning applications.</p>	<p>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.</p>	
<p>6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.</p>	<p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).</p>	
<p>7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p>	<p>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).</p>	
<p>8. Power to enter into agreement regulating development or use of land.</p>	<p>Section 106 of the Town and Country Planning Act 1990.</p>	
<p>9. Power to issue a certificate of existing or proposed lawful use or development.</p>	<p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p>	
<p>10. Power to serve a completion notice.</p>	<p>Section 94(2) of the Town and Country Planning Act 1990.</p>	
<p>11. Power to grant consent for the display of advertisements.</p>	<p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.</p>	
<p>12. Power to authorise entry onto land.</p>	<p>Section 196A of the Town and Country Planning Act 1990.</p>	
<p>13. Power to require the discontinuance of a use of land.</p>	<p>Section 102 of the Town and Country Planning Act 1990.</p>	

14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	
17. Power to determine applications for hazardous substances consent and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.	
18A. Power to issue a temporary stop notice	Section 171 E of the Town and Country Planning Act 1990	
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	
20. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act.	

<p>22. Duties relating to applications for listed building consent and conservation area consent.</p>	<p>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.</p>	
<p>23. Power to serve a building preservation notice and related powers.</p>	<p>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>	
<p>24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.</p>	<p>Section 38 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>	
<p>25. Powers to acquire a listed building in need of repair and to serve a repairs notice.</p>	<p>Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>	
<p>26. Power to apply for an injunction in relation to a listed building.</p>	<p>Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>	
<p>27. Power to execute urgent works.</p>	<p>Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.</p>	
<p>28. Any other planning related functions which are or become a function which cannot be exercised by the Executive.</p>		

<p>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</p>		<p>Except where specified all of the functions listed under this section B will be exercised by the Corporate Director of Homes and Neighbourhoods or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 UNLESS the function has been reserved to the Licensing Committee or its sub-committees or of the Licensing Regulatory Committee or is required to be undertaken by the Corporate Director of Children's Services or are required to be determined by the Council itself</p>
<p>1. Power to issue licences authorising the use of land as a caravan site ("site licences").</p>	<p>Section 3(3) of the Caravan Sites and Control of Development Act 1960.</p>	
<p>2. Power to license the use of moveable dwellings and camping sites.</p>	<p>Section 269(1) of the Public Health Act 1936.</p>	
<p>3. Power to license hackney carriages and private hire vehicles.</p>	<p>(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>[This function is performed by Transport for London (the Public Carriage Office)].</p>	

<p>4. Power to license drivers of hackney carriages and private hire vehicles.</p>	<p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>[This function is performed by Transport for London (the Public Carriage Office)].</p>	
<p>5. Power to license operators of hackney carriages and private hire vehicles.</p>	<p>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>[This function is performed by Transport for London (the Public Carriage Office)].</p>	
<p>6. Power to register pool promoters.</p>	<p>Schedule 2 to the Betting, Gaming and Lotteries Act 1963.</p> <p>[This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	
<p>7. Power to grant track betting licences.</p>	<p>Schedule 3 to the Betting, Gaming and Lotteries Act 1963.</p> <p>[This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	
<p>8. Power to license inter-track betting schemes.</p>	<p>Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963.</p> <p>[This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	
<p>9. Power to grant permits in respect of premises with amusement machines.</p>	<p>Schedule 9 to the Gaming Act 1968.</p> <p>[This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	
<p>10. Power to register societies wishing to promote lotteries.</p>	<p>Schedule 1 to the Lotteries and Amusements Act 1976.</p> <p>[This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	

<p>11. Power to grant permits in respect of premises where amusements with prizes are provided.</p>	<p>Schedule 3 to the Lotteries and Amusements Act 1976. [This area of law is now governed by the <u>Gambling Act 2005</u>]</p>	
<p>12. Power to issue cinema and cinema club licences.</p>	<p>Section 1 of the Cinema Act 1985. [This area of law is now governed by the <u>Licensing Act 2003</u>]</p>	
<p>13. Power to issue theatre licences.</p>	<p>Sections 12 to 14 of the Theatres Act 1968. [This area of law is now governed by the <u>Licensing Act 2003</u>]</p>	
<p>14. Power to issue entertainment licences.</p>	<p>Section 12 of the Children and Young Persons Act 1933 section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982. [This area of law is now governed by the <u>Licensing Act 2003</u>]</p>	
<p>14A. Any function of a licensing authority</p>	<p>Licensing Act 2003(c.17) and any regulations or orders made under the Act</p>	
<p>14AZA Powers and functions relating to late night levy requirements</p>	<p>Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c.13) and any regulations made under that Chapter</p>	
<p>14AA Duty to comply with requirement to provide information to the Gambling Commission</p>	<p>Section 29 of the Gambling Act 2005</p>	

14AB Functions relating to exchange of information	Section 30 of the 2005 Act	
14AC Functions relating to occasional use notices	Section 39 of the 2005 Act	
14B Power to resolve not to issue a casino premises licence	Section 166 of the Gambling Act 2005	
14C Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the 2005 Act	
14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises	Section 284 of the 2005 Act	
14D Power to institute criminal proceedings	Section 284 of the 2005 Act	
14E Power to exchange information	Section 350 of the 2005 Act	
14F Functions relating to the determination of fees for premises licenses	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007	
14G Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the 2005 Act	
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	
16. Power to license performances of hypnotism.	The Hypnotism Act 1952. [This Act has been amended.]	
17. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	

<p>19. Power to register door staff.</p>	<p>Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 and Part V of the London Local Authorities Act 1995.</p> <p>[This Act has been repealed and this is no longer a function undertaken by local authorities.]</p>	
<p>20. Power to license market and street trading.</p>	<p>Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 and section 6 of the London Local Authorities Act 1994).</p>	
<p>21. Power to license night cafes and take-away food shops.</p>	<p>Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.</p> <p>[This area of law is now governed by the <u>Licensing Act 2003</u>]</p>	
<p>22. Duty to keep list of persons entitled to sell non-medicinal poisons.</p>	<p>Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.</p>	
<p>23. Power to license dealers in game and the killing and selling of game.</p>	<p>Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.</p> <p>[These provisions have been repealed and this is no longer a function undertaken by local authorities.]</p>	
<p>24. Power to register and license premises for the preparation of food.</p>	<p>Section 19 of the Food Safety Act 1990.</p>	

25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.	
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.	
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.	
28. Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971. [This Act has been repealed and this is no longer a function undertaken by local authorities.]	
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.	
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.	
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).	

<p>35. Power to license the employment of children.</p>	<p>Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.</p>	<p>Corporate Director of Children's Services</p>
<p>36. Power to approve premises for the solemnisation of marriages.</p>	<p>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510). [This Statutory Instrument has been repealed.]</p>	<p>Director of Law and Governance</p>
<p>37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to –</p> <p>(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or</p> <p>(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).</p>	<p>Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843). [This Statutory Instrument has been repealed.]</p>	
<p>38. Power to register variation of rights of common.</p>	<p>Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).</p>	
<p>39. Power to license persons to collect for charitable and other causes.</p>	<p>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.</p>	
<p>40. Power to grant consent for the operation of a loudspeaker.</p>	<p>Schedule 2 to the Noise and Statutory Nuisance Act 1993.</p>	
<p>41. Power to grant a street works licence.</p>	<p>Section 50 of the New Roads and Street Works Act 1991.</p>	

<p>42. Power to license agencies for the supply of nurses.</p>	<p>Section 2 of the Nurses Agencies Act 1957.</p> <p>[This Statutory Instrument has been repealed and this is no longer a function undertaken by local authorities.]</p>	
<p>43. Power to issue licences for the movement of pigs.</p>	<p>Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).</p> <p>[This Statutory Instrument has been repealed and this is no longer a function undertaken by local authorities.]</p>	
<p>44. Power to license the sale of pigs.</p>	<p>Article 13 of the Pigs (Records, Identification and Movement) Order 1995.</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>45. Power to license collecting centres for the movement of pigs.</p>	<p>Article 14 of the Pigs (Records, Identification and Movement) Order 1995.</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>46. Power to issue a licence to move cattle from a market.</p>	<p>Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>46A. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.</p>	<p>Section 115E, 115F and 115K of the Highways Act 1980</p>	
<p>47. Power to permit deposit of builder's skip on highway.</p>	<p>Section 139 of the Highways Act 1980.</p>	
<p>47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980</p>	<p>Section 115G of the Highways Act 1980(a)</p>	

48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	
50. Power to license works in relation to buildings etc., which obstruct the highway.	Section 169 of the Highways Act 1980.	
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.	
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.	
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.	
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematography Film Act 1922. [This Act has been repealed and this is no longer a function undertaken by local authorities.]	
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082). [This Statutory Instrument has been repealed.]	

<p>58. Power to approve premises for the production of minced meat or meat preparations.</p>	<p>Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>59. Power to approve dairy establishments.</p>	<p>Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>60. Power to approve egg product establishments.</p>	<p>Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.</p>	<p>Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).</p> <p>[This Statutory Instrument has been repealed]</p>	
<p>62. Power to approve fish products premises.</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>63. Power to approve dispatch or purification centres.</p>	<p>Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>64. Power to register fishing vessels on board which shrimps or molluscs are cooked.</p>	<p>Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>[This Statutory Instrument has been repealed.]</p>	

<p>65. Power to approve factory vessels and fishery product establishments.</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>66. Power to register auction and wholesale markets.</p>	<p>Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>67. Duty to keep register of food business premises.</p>	<p>Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).</p> <p>[This Statutory Instrument has been repealed.]</p>	
<p>68. Power to register food business premises.</p>	<p>Regulation 9 of the Food Premises (Registration) Regulations 1991.</p> <p>[This Statutory Instrument has been repealed .]</p>	
<p>69. Power to issue near beer licences.</p>	<p>Section 16 to 19 of the London Local Authorities Act 1995 and to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.</p>	
<p>70. Power to register premises or stalls for the sale of goods by way of competitive bidding.</p>	<p>Section 28 of the Greater London Council (General Powers) Act 1984.</p>	
<p>71. Power to register motor salvage operators.</p>	<p>Part 1 of the Vehicles (Crime) Act 2001</p>	
<p>72. Functions relating to the registration of common land and town or village greens.</p>	<p>Part 1 of the Commons Act 2006 (c.26) and the Commons Registration (England) Regulations 2008.</p>	
<p>73. Power to determine applications for pavement licences</p>	<p>Part 1 of the Business and Planning Act 2020</p>	

<p>74. Any other licensing related functions which are or becomes a function which cannot be exercised by the Executive.</p>		
<p>C. Functions relating to health and safety at work</p>		<p>All of the functions listed under this section C will be exercised by the Corporate Director of Resources or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 UNLESS the function relates to the enforcement of Health and Safety which will be exercised by the Corporate Director of Homes and Neighbourhoods or the function has been reserved to the Audit Committee</p>
<p>1. Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.</p> <p>2. Any other health and safety related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>	<p>Part I of the Health and Safety at Work etc. Act 1974.</p>	
<p>D. Functions relating to elections</p>		
<p>1. Duty to appoint an electoral registration officer.</p>	<p>Section 8(2) of the Representation of the People Act 1983.</p>	<p>COUNCIL</p>
<p>2. Power to assign officers in relation to requisitions of the registration officer.</p>	<p>Section 52(4) of the Representation of the People Act 1983.</p>	<p>CHIEF EXECUTIVE</p>

3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	N/A
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.	N/A
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.	N/A
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	COUNCIL
7. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.	AUDIT COMMITTEE
8. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	AUDIT COMMITTEE
9. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	N/A
10. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	CHIEF EXECUTIVE
11. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	N/A
12. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	CHIEF EXECUTIVE
13. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	CHIEF EXECUTIVE
14. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.	N/A

<p>15. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.</p>	<p>Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).</p> <p>[These Statutory Instruments have been repealed.]</p>	
<p>16. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.</p>	<p>Section 10 of the Representation of the People Act 2000.</p>	<p>COUNCIL</p>
<p>17. Duty to consult on change of scheme for elections.</p>	<p>Sections 33(2), 38 (2) and 40(2) of the Local Government and Public Involvement in Health Act 2007</p>	<p>CHIEF EXECUTIVE</p>
<p>18. Duties relating to publicity.</p>	<p>Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>CHIEF EXECUTIVE</p>
<p>19. Duties relating to notice to Electoral Commission.</p>	<p>Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>CHIEF EXECUTIVE</p>
<p>20. Power to alter years of ordinary elections of parish councillors.</p>	<p>Section 53 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>N/A</p>
<p>21. Any other election related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>		<p>CHIEF EXECUTIVE</p> <p>Unless reserved to the Council by law or the Constitution</p>

E. Functions relating to name and status of areas and individuals		All of the functions listed in this section E will be exercised by the Council
1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.	COUNCIL
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.	N/A
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	COUNCIL
4. Power to petition for a charter to confer borough status.	Section 245(b) of the Local Government Act 1972.	N/A
5. Any other similar function in this category which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		COUNCIL
EB. Functions relating to community governance		
1. Duties relating to community governance reviews.	Section 79 of the Local Government and Public Involvement in Health Act 2007.	CHIEF EXECUTIVE
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007.	CHIEF EXECUTIVE
3. Functions relating to terms of reference of review.	Sections 81(4) to (6) Local Government and Public Involvement in Health Act 2007.	COUNCIL
4. Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007.	COUNCIL
5. Functions relating to making of recommendations.	Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007.	COUNCIL

6. Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2000.	CHIEF EXECUTIVE for section 93 COUNCIL For sections 94 and 95
7. Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007.	CHIEF EXECUTIVE
8. Function of making an order giving effect to the recommendations made in a governance review.	Section 86 of the Local Government and Public Involvement in Health Act 2007	COUNCIL
9. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007.	CHIEF EXECUTIVE
10. Power to make agreements about incidental matters.	Section 99 of the Local Government and Public Involvement in Health Act 2007.	CHIEF EXECUTIVE
11. Any other similar function which by statutory instrument or order are or become functions which cannot be exercise by the Executive.		COUNCIL
F. Power to make, amend, revoke, re-enact or enforce bylaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	All of the functions listed in this section F will be exercise by Council (other than enforcement which will be exercised by the Corporate Director of Homes and Neighbourhoods or an officer within the Corporate Director's department to whom the function has been delegated under Part 3
FA. Functions relating to smoke-free premises, etc		
1. Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006.	

2. Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2, the Health Act 2006.	
3. Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760).	
4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)	
G. Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	Council
H. Functions relating to pensions etc.		
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.	All of the functions listed in this section (other than item 2 with is N/A) will be exercised by the Corporate Director of Resources or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 EXCEPT those functions which fall within the terms of reference of the Audit Committee or the Pensions Sub-Committee
2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.	Section 26 of the Fire Services Act 1947.	
3. Any other pension related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		

I. Miscellaneous functions		
Part I: Functions relating to public rights of way		All of the functions listed under Part 1 of this section will be exercised by the Corporate Director of Environment and Climate Change or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 UNLESS they have been reserved to the Audit Committee
1. Power to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980.	
2. Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980.	
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.	
4. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.	
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.	
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.	
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.	
8. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.	
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.	
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.	
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.	

12. Power to require an applicant for a special diversion order to enter into an agreement to defray or make such contribution as is specified in the agreement.	Section 119C(3) of the Highways Act 1980.	
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.	
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.	
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.	
16. Duty to assert and protect the rights of the public to use and enjoy highways.	Section 130 of the Highways Act 1980.	
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.	
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.	
19. Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980.	
20. Power temporarily to divert footpath or bridleway.	Section 135A of the Highways Act 1980.	
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.	
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.	
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.	

24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).	
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.	
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.	
27. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.	
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.	
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.	
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981.	
30A. Power to authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990(c. 8)	
31. Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.	
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.	
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.	
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.	
Part II: Other miscellaneous functions		
35. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966.	N/A

36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	COUNCIL
37. Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.	The relevant Corporate Director or an officer within the Corporate Director's department to whom the function has been delegated under Part 3 may appoint staff on such terms and conditions as they may determine but which are in line with any overall terms and conditions agreed by the Audit Committee or its Personnel sub-committee. In the case of posts identified by the Officer Employment Rules in Part 6, the appointment will be made by the Personnel Sub-Committee (subject, in the case of the Chief Executive, to confirmation by the Council)
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	COUNCIL
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.	Chief Finance Officer
40. Power to appoint an officer for a particular purpose (appointment of "proper officer").	Section 270(3) of the Local Government Act 1972.	CHIEF EXECUTIVE OR RELEVANT CORPORATE DIRECTOR
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981.	N/A
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982.	The Corporate Director of Environment or an officer within the Corporate Director's department to whom the function has been delegated under Part 3

43. Duty to designate officer as the head of the authority's paid service and to provide staff etc.	Section 4(1) of the Local Government and Housing Act 1989.	COUNCIL
44. Duty to designate officer as the monitoring officer and to provide staff etc.	Section 5(1) of the Local Government and Housing Act 1989.	COUNCIL
44A. Duty to provide staff, etc to person nominated by the Monitoring Officer.	Section 82A(4) and (5) of the Local Government Act 2000	COUNCIL
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000	COUNCIL
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 2003 (S.I. 2003/533). [This Statutory Instrument has been superceded.]	
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	The Corporate Director – Community Wealth Building or an officer within the Corporate Director's department to whom the function has been delegated under Part 3
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).	The Corporate Director – Community Wealth Building or an officer within the Corporate Director's department to whom the function has been delegated under Part 3
47A. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.	The Corporate Director of Environment or an officer within the Corporate Director's department to whom the function has been delegated under Part 3
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	The relevant Corporate Director or an officer within the Corporate Director's department to whom the function has been delegated under Part 3

49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (S.I. 2007/806)	The Corporate Director of Environment or an officer within the department to whom the function has been delegated under Part 3
50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 (c. 38). (S.I. 2008/1430)	The Corporate Director of Environment or an officer within the department to whom the function has been delegated under Part 3
51. Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006 (S.I. 2008/2787)	Director of Law and Governance or an officer within her department to whom the function has been delegated under Part 3
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006 (S.I. 2008/2787)	The Corporate Director of Environment or an officer within the Corporate Director's department to whom the function has been delegated under Part 3
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006 (S.I. 2008/2787)	Director of Law and Governance or an officer within her department to whom the function has been delegated under Part 3
J. Other functions which are not to be the responsibility of the Executive		
1. Members allowances.		COUNCIL
2. Establishing committees under section 101 of the Local Government Act 1972.		COUNCIL
3. Except where specified any function which by virtue of any enactment passed or made before 19 October 2000 may be discharged only by an Authority.		COUNCIL

APPENDIX 2

EXECUTIVE AND NON-EXECUTIVE FUNCTIONS

(ii) Allocation of local choice functions to as executive or non-executive functions and delegation of functions to bodies and individuals

(1) Function	(2) Executive or Council	(3) Delegated to
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1. ¹	If the function is a function, which is of a similar type, class or nature to the other functions of the Executive, the function will be exercised by the Executive. Otherwise the function will be exercised by the Council.	The officer or committee or sub-committee responsible for the types of function concerned, as set out in Part 3 of the Constitution.
2. The determination of an appeal against any decision made by or on behalf of the authority.	If the function to which the decision relates is a function of the Executive, the determination of an appeal will be an executive function, otherwise the function will be a function of the Council.	The Corporate Director within whose Department the subject matter of the appeal falls or, if the matter may not be determined by officers, the Executive for executive functions or, the relevant council committee or sub-committee for other functions.
3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.	Executive	Corporate Director of Children's Services
4. The making of arrangements pursuant to section 94(1), (1A) and (4) of the 1998 Act (admissions appeals).	Executive	Corporate Director of Children's Services
5. The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Executive	Corporate Director of Children's Services

¹ This is a reference to the provisions of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

6. Any function relating to contaminated land.	Executive	Corporate Director of Environment
7. The discharge of any function relating to the control of pollution or the management of air quality.	Executive	Corporate Director of Environment
8. The service of abatement notice in respect of a statutory nuisance.	Executive	Corporate Director of Environment
9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council	Corporate Director of Environment
10. The inspection of the authority's area to detect any statutory nuisance.	Executive	Corporate Director of Environment
11. The investigation of any complaint as to the existence of a statutory nuisance.	Executive	Corporate Director of Environment
12. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Council, if the information is required for the purposes of a Council function and the Executive, if for the purposes of an Executive function.	The relevant corporate director who has responsibility for the function in question.
13. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council if the particulars are required for the purposes of a Council function and the Executive if for the purposes of an Executive function.	The relevant corporate director who has responsibility for the function in question.
14. The making of agreements for the execution of highways works.	Executive, unless the need for the highways agreement has arisen from a planning decision in which case the responsibility shall be with the Council.	Corporate Director of Environment, or, if the matter does not fall within officers' delegated powers, a Planning Sub-Committee or the Audit Committee in accordance with the terms of reference of those committees.
15. The appointment of any individual – (a) to any office other than an office in which he or she is employed by the authority;	Council, except in the case of those appointments (which includes removal of an appointee) reserved to the Executive in Article 11.01(b) and (c) or in the case of companies	In the case of a member of staff, the relevant Corporate Director in whose department the member of staff is employed. In the case of the Councillor appointments, other than those

<p>(b) to any body other than -</p> <ul style="list-style-type: none"> (i) the authority; (ii) a joint committee of two or more authorities; or <p>(c) to any committee or sub-committee of such a body and the revocation of any such appointment.</p>	<p>established to carry out Executive functions.</p>	<p>appointments allocated as Executive functions or made to companies established to carry out Executive functions, they shall be made by the Council at the Annual Meeting of the Council and then again by the Council or the Audit Committee if a vacancy arises during that municipal year,</p>
<p>16. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>If the arrangement is in connection with a function of the Executive then the Executive shall make the arrangement. If the arrangement is in connection with a function which is the responsibility of the Council then the Council shall make the arrangement.</p>	<p>In either case the Corporate Director within whose area of responsibility the function lies.</p>

*The Proper Officer shall determine any questions as to the interpretation and application of this table.

APPENDIX 3

Additional Delegations to Officers

1. Directors, Heads of Service and Service Managers have delegated to them the powers specified in this Table (subject to the same restrictions as would apply to a Corporate Director to the extent that the Chief Executive or relevant Corporate Director has authorised them to exercise those powers, either specifically or generally).

1 Directors and Heads of Services (if authorised by their Corporate Director)
<p>All the powers of their Corporate Director in so far as they relate to the service for which they are responsible, save in so far as that is inconsistent with any other part of the Constitution or is specifically excluded below and subject to the following additional restrictions in respect of the specified powers:</p> <p>(i) To exercise discretion in writing off or remitting in whole or in part debts due to the Council not exceeding £10,000 in value and in the case of Service Directors in the Resources Department, not exceeding £50,000 in value.</p> <p>(ii) To establish or re-organise the staffing structure of their department or service and to appoint, discipline and dismiss staff save that all new posts and any reorganisations affecting more than 5 posts must be approved by the relevant Corporate Director.</p> <p>and in particular to exercise the power of the Council to appoint appropriate members of their staff as proper officer for any purpose in relation to any statutory function for which their service is responsible or to revoke such appointment.</p>
2 Service Managers (if authorised by their Corporate Director)
<p>All the powers of their Director or Head of Services in so far as they relate to the service for which they are responsible, save in so far as that is inconsistent with any other part of the Constitution or is specifically excluded below and subject to following additional restrictions in respect of the specified powers:</p> <p>(i) To dispose of assets which are not land or buildings - up to the value of £1,000 and subject to obtaining the written approval of their Service Director or Head of Service if the disposal is to a member of staff.</p> <p>(ii) To sign contracts on behalf of the Council – provided the value does not exceed £299,999.</p> <p>(iii) The following powers may not be exercised by Service Managers:</p> <ul style="list-style-type: none">• To exercise discretion in writing off or remitting in whole or in part debts due to the Council (save that Service Managers in the Finance departments may exercise discretion in writing off or remitting in whole or in part debts due to the Council not exceeding £10,000 in value);• To agree acting up or honorarium payments;• To implement the council's job share scheme;

- To approve special leave, relocation expenses, free zone 1 and 2 travel cards, welfare loans or training and qualification loans, extensions of the sickness payment, compensation for redundancy or efficiency.

3 Heads of Service (if authorised by the Chief Executive)

All the powers of the Chief Executive in so far as they relate to the service for which they are responsible, save in so far as that is inconsistent with any other part of the Constitution or is specifically excluded below and subject to the following additional restrictions in respect of the specified powers:

- (i) To exercise discretion in writing off or remitting in whole or in part debts due to the Council not exceeding £10,000 in value and in the case of Service Directors in the Resources Department, not exceeding £50,000 in value.
- (ii) To establish or re-organise the staffing structure of their department or service and to appoint, discipline and dismiss staff save that all new posts and any reorganisations affecting more than 5 posts must be approved by the Chief Executive.

and in particular to exercise the power of the Council to appoint appropriate members of their staff as proper officer for any purpose in relation to any statutory function for which their service is responsible or to revoke such appointment.

2. This table sets out the other powers delegated to specific post-holders in addition to the relevant Corporate Director

GENERAL

	Power	Postholder
1	To exercise discretion in writing off or remitting in whole or part debts due to the Council not exceeding £20,000 in value	Service Director (Finance Operations)

REGULATORY 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 Community Safety, Security and Resilience 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 Community Safety, Security and Resilience and notified to the Proper Officer.

A – Specified team	B – Specified post-holders
<p>All teams managed by the Head of Service</p> <p>(Licensing, Environmental Health (Residential and Commercial), and Trading Standards)</p>	<ul style="list-style-type: none"> • Head of Regulatory Services
<p>Trading Standards (Functions of the Local Weights and Measures Authority)</p>	<ul style="list-style-type: none"> • Trading Standards Manager • Principal Trading Standards Officer • Senior Trading Standards Officer • Trading Standards Officer • Assistant Trading Standards Officer • Regulatory Assistant
<p>Environmental Health (Commercial & Residential)</p>	<ul style="list-style-type: none"> • Environmental Health Manager • Senior Environmental Health Officer • Environmental Health Officer • Regulatory Assistant • Principal Technical Officer • Grants Team Manager • Environmental Health Graduate • Food Safety Officer • Senior Food Safety Officer • Licensing Assistant • Private Sector Housing Officer • Environmental Health Apprentice
<p>Licensing</p>	<ul style="list-style-type: none"> • Licensing Manager • Licensing Officer •
<p>All teams managed by the Assistant Director of Civil Protection</p> <p>(Out of Hours Response and Patrol, and Community Safety)</p>	<ul style="list-style-type: none"> • Head of Environmental Enforcement and Anti-Social Behaviour
<p>Community Safety</p>	<ul style="list-style-type: none"> • Head of Community Safety • Community Safety Manager • Community Safety Officer • IOM Partnership Officer

	<ul style="list-style-type: none"> • Community Safety Coordinator • Prevent Coordinator • Street Population Coordinator
Compliance Team	<ul style="list-style-type: none"> • Compliance Team Manager • Senior Compliance Officer • Compliance Officer

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

A list of all such authorisations in respect of the following is to be maintained by the Director of Climate Change and Transport and notified to the Proper Officer.

A – specified team (or any new team name covering these functions)	B – specified posts (or any new posts covering these functions)
Environmental Pollution, Projects and Programmes	<ul style="list-style-type: none"> • Environmental Pollution, Projects and Programmes Manager • Construction Impact Monitoring Officer • Environmental Project Officer • Noise Licensing Officer • Pollution Officer • Air Quality Audit Officer • Acoustics Officer • ZEN Manager

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

A list of all such authorisations in respect of the following is to be maintained by the Director of Inclusive Economy and notified to the Proper Officer.

A – specified team (or any new team name covering these functions)	B – specified posts (or any new posts covering these functions)
Street Trading	<ul style="list-style-type: none"> • Street Trading Manager

	<ul style="list-style-type: none"> • Street Trading Licensing Officer
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The post holders specified in column B below may exercise the Council's enforcement functions and powers (other than those specifically reserved to another person or body in the Constitution) falling within their area of responsibility of the team specified in column A if authorised by the Director of in relation to legislation specified in that authorisation.

A list of all such authorisations in respect of the following is to be maintained by the Director of Environmental & Commercial Operations and notified to the Proper Officer.

A – specified team (or any new team name covering these functions)	B – specified post holders (or any new posts covering these functions)
Animal Welfare	<ul style="list-style-type: none"> • Animal Welfare Manager • Animal Welfare Officer
Pest Control	<ul style="list-style-type: none"> • Pest and Animal Welfare Manager • Pest Control Officer

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 - Planning and Development 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 - Planning and Development and notified to the Proper Officer.

A – Specified team	B – Specified post-holders
Building Control	<ul style="list-style-type: none"> • Building Control Surveyor • Assistant Building Control Surveyor • Senior Building Control Surveyor • Principal Building Control Surveyor • Group Leader
Planning	<ul style="list-style-type: none"> • Enforcement Manager • Enforcement Officer • Tree Preservation Officer • Principal Tree Preservation Officer

The post holders specified in column B below may exercise the Council's development management (including enforcement) 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 Corporate Director – Community Wealth Building 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 Service Director - Planning and Development and notified to the Proper Officer.

A – Specified team	B – Specified post-holders
Development Management	<ul style="list-style-type: none"> • Deputy Head of Service (2 posts)

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 – Environment and Commercial Operations 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 – Environment and Commercial Operations and notified to the Proper Officer.

A – Specified team	B – Specified post-holders
Lighting and Street Works Team	<ul style="list-style-type: none"> • Technical Assistant • Technical Officer • Senior Technical Officer • Senior Engineer • Team Leader • Street-works Coordinator • Principal Technical Officer • Lighting & Street-works Manager
Street Environment Services	<ul style="list-style-type: none"> • Street Environment Wardens • Senior Street Environment Wardens • Street Environment Officers • Senior Street Environment Officer • Area Street Environment Managers • Enviro-crime Manager

SCHOOL ATTENDANCE FUNCTIONS

The Corporate Director of Children's Services will designate officers to carry out functions and powers relating to school attendance and education welfare

matters. A list of all such authorisations will be maintained by the Corporate Director and notified to the Proper Officer.

ADULT SOCIAL SERVICES FUNCTIONS

In respect of the following teams:

- Access Service
- North Locality Service
- South Locality Service
- Islington Learning Disability Partnership
- Hospital Social Work Team
- Services for Ageing and Mental Health Team
- Community Mental Health Team

the post holders specified in column A may approve Personal Budgets on behalf of the council if authorised to do so by the Director of Adult Social Care, with limitations as specified in column B.

A – Specified post-holders	B - Limitations
Assistant Director/ Director	£750 and above per week, per user
Heads of Service	Up to £ 750 per week, per user
Team Managers	Up to £500 per week per user
Senior Practitioners (Social Workers and OT'S)	Up to £300 per week per user

Finance and Property Deputyships

The post holder specified in column B may exercise the Council's

functions and powers as Finance and Property Deputies within the area of responsibility of the team specified in column A if authorised by the relevant Service Director.

A – Specified Team	B – Specified postholders
Client Financial Affairs	Principal Finance Officer

A list of all such authorisations will be maintained by the relevant Director of Adult Social Care and notified to the Proper Officer.

3 Legal Proceedings

The institution, defence, participation in, conduct or settlement any legal proceedings may be undertaken by any Corporate Director, Director, Head of Services, Service Manager or officer reporting to a Service Manager, where authorised by the Director of Law and Governance, subject to any conditions which she may impose.

APPENDIX 4

Proper Officers

The following officers shall be the proper officer for the purposes of the specified legislation.

PROPER OFFICER PROVISIONS

The following definitions are used in this Table:-

LGA 1972	=	Local Government Act 1972
LG(MP)A 1976	=	Local Government (Miscellaneous Provisions) Act 1976
RPA 1983	=	Representation of the People Act 1983
LGFA 1988	=	Local Government Finance Act 1988
LGHA 1989	=	Local Government and Housing Act 1989
LGA 2000	=	Local Government Act 2000
FOIA 2000	=	Freedom of Information Act 2000

<i>(1) statutory provision</i>	<i>(2) Function</i>	<i>(3) Proper Officer</i>
Section 83 LGA 1972	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and Councillors.	Director of Law and Governance
Section 84 LGA 1972	Receipt of notice of resignation of office of Mayor, Deputy Mayor and Councillors.	Director of Law and Governance
Section 88 LGA 1972	Convening of meeting for the election of Mayor in the event of a casual vacancy.	Director of Law and Governance
Section 89 LGA 1972	Receipt of notice of casual vacancies in the council membership.	Director of Law and Governance
Section 100 LGA 1972	All references to proper officer in connection with the access to information provisions of the Local Government Act.	Director of Law and Governance

Section 115 LGA 1972	Receipt of monies from accountable officers.	Chief Finance Officer
Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Director of Law and Governance
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Director of Law and Governance
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of any such document.	Director of Law and Governance
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Director of Law and Governance
Section 234(1) LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue.	The Chief Executive, Corporate Directors, Monitoring Officer or Chief Finance Officer.
Section 238 LGA 1972	Certification of printed copies of by-laws.	Director of Law and Governance
Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the Council.	Director of Law and Governance
Section 35 RPA 1983	The Returning Officer at an election of Councillors of the borough.	Chief Executive
Section 8 RPA 1983	The Electoral Registration Officer of any constituency in the borough.	Chief Executive
Section 72 Weights and Measures Act 1985	Functions of Chief Inspector of Weights and Measures.	Trading Standards Manager

Section 2 LGHA 1989	Deposit of list of “politically restricted posts” under LGHA 1989.	Corporate Director of Resources
Regulation 23 Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List.	Chief Finance Officer
Accounts and Audit Regulations 2015	The responsible financial officer.	Chief Finance Officer
Births deaths and marriages	Any reference to the proper officer in any enactment relating to registration of births, death or marriages.	Assistant Director, Civic Services
LGA 1972, Schedule 12, Part 1, Paragraph 4(2)(b)	Signature of summonses to Council meetings and receipt of notices of addresses to which summonses to meetings to be sent.	Chief Executive
Local Government (Committees and Political groups) Regulations 1990	Receipt of notification from members.	Director of Law and Governance
Local Authorities (Standing Orders) Regulations 2000	Notices under regulations 5 and 6 regarding proposed appointments of staff.	Director of Law and Governance
Local Authorities (Referendums) (Petitions and Directions) Regulations	Functions relating to verification and publicity of petitions.	Director of Law and Governance
Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	All references to the proper officer.	Director of Law and Governance
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer.	Chief Executive

Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988	All references to the proper officer	Director of Public Health
Section 36 FOIA 2000	Qualified person for decision on exempt information not to be disclosed	Director of Law and Governance
Local Democracy, Economic Development and Construction Act 2009	Designated Proper officer for scrutiny role	Head of Democratic Services and Governance

APPENDIX 5

Further Detail of the Exempt Information Requirements

Category	Condition	Availability to Members*
1. Information relating to any individual.	This information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	Restricted
2. Information which is likely to reveal the identity of an individual.	This information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	Restricted
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under—</p> <p>(a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.</p> <p>Information falling within paragraph 3 is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	<p>Restricted to the extent that if the information relates to the award of a contract, the negotiations are still ongoing.</p> <p>Information which does not meet the above description is available to members.</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter	This information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the	Restricted

arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	public interest in disclosing the information.	
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	This information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	Restricted
6. Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	This information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	Available to members.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	This information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	Restricted

* This column indicates whether councillors have an automatic right of access to an exempt report.

Additional access to information rights for members of the council's scrutiny committees is set out at Procedure Rule 98.

APPENDIX 6

Definitions

The words and phrases defined in this definition section shall have the meaning set out below unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.

- The **Articles** in the Constitution set out the overall framework of what is to be done and by whom. Procedure Rules, Codes of Conduct and the other documents forming part of the Constitution set out how the Articles will be put into effect.
- The **Authority** means the London Borough of Islington.
- **Best Consideration** may comprise both a sum of money received by the Council and or other non-monetary elements which have a quantifiable commercial or monetary value to the Council. This is essentially a valuation matter and requires the Council to take proper valuation advice and to have regard to the relevant statutory guidance
- 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 Corporate Director of Resources.
- A **Co-opted Member** means a person, not being an Independent Member as defined below, who is a member of any committee or sub-committee of the Council but is not a councillor. Co-opted members generally do not have voting rights on committees, although statute permits certain co-opted members to vote, notably parent governor representatives and church representatives. The voting education co-opted members may only vote on education matters.
- **Corporate Directors** means a officer reporting to the Chief Executive who is also a member of the Corporate Management Board
- **Corporate Plan** means the document adopted by the Council setting out the Council's vision, values and key commitments for the next four years.
- **Council Functions** are those functions of the Authority which cannot be exercised by the Executive. These functions may be carried out by the Council itself, a Council Committee, Council Sub-Committee, Joint

Committee of the Council, officers or any other person authorised by the full Council to carry out Council functions. Council Functions cannot be carried out by the Executive.

- **Day** means a clear working day unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.
- The **Deputy Leader** is the individual appointed as deputy leader by the Leader as set out in Article 7.04.
- **Director** means an officer responsible for a service reporting to a Corporate Director who is designated a Director.
- **Executive Functions** are any functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution. The division of functions between the Executive and the Council are set out in Part 3 of this Constitution.
- **Exempt Information** means information falling within the seven categories set out in Schedule 12A of the Local Government Act 1972 and subject to the relevant qualifications set out in that schedule and, in the case of the Standards Committee, the further categories of information set out in the Relevant Authorities (Standards Committee) Regulations 2001. These rules are explained further in the Access to Information Rules, which form part of this Constitution.
- An **Extraordinary Meeting** is a meeting of full Council called by the Mayor. However, if the Mayor refuses to call an Extraordinary Meeting or does not do so within seven days after a request by five Councillors, any five councillors may call an Extraordinary Meeting of Full Council.
- The **Forward Plan** is a document prepared by the Democratic Services Manager which gives at least 28 days clear notice of all the matters likely to be the subject of Key Decisions to be taken by either the Executive or a committee of the Executive or officers. It may also include other important decisions in relation to Executive Functions likely to be taken in the near future by the Executive, its committees or officers. It will indicate in respect of each decision whether it is anticipated that the public will be excluded from the meeting while it is considered, and if so, the reasons for this.
- A **Group Business Manager** is an alternative title for a member performing the role of a political whip.
- **Head of Service** means an officer responsible for a service reporting to the Chief Executive or a Corporate or Service Director who is designated a Head of Service.

- An **Independent Member** is a member of the Audit Committee who is not a councillor.
- The **Independent Person** is the person appointed under the Localism Act 2011 to be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member
- The **Islington Members Code of Conduct** means the document which has been adopted by the London Borough of Islington setting out what is expected of members and co-opted members of the Authority in terms of their conduct and behaviour, as set out in Part 6 of this Constitution.
- A **Joint Committee** is a committee comprising members of two or more local authorities created under section 102(1) of the Local Government Act 1972.
- The term **Key Decision** is defined in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and in Part 2 paragraph 13.03 (b) of this Constitution.
- **The Leader** is the councillor elected by the council to lead it, to appoint the other members of the executive and to decide which bodies or persons shall have power to carry out the functions of the Executive.
- The term **Officers** is defined in Article 12.
- A **Partnership Arrangement** is an arrangement between the Council and one or more other bodies or persons to achieve objectives of the Council and at least one of the other parties which involves one or more of the following:
 - sharing of risk in relation to the subject matter of the arrangement;
 - joint planning and decision-making such as joint commissioning
 - joint delivery of services;
 - sharing of resources.

but which is not a contract for the provision by one party to another of a supply, service or works in exchange for a fee or other consideration.

- The **Policy Framework** means the plans, policies and strategies set out in Article 4.01 of this Constitution.
- **Portfolio** refers to the responsibilities or roles allocated to an Executive Member by the Leader.
- A **Protocol** is a document forming part of the Constitution which sets out a guide to the way certain individuals and groups interact with each other.

Protocols are not rules but they do give guidance on how things should operate.

- The term **Recordable Executive Decision** is defined in Part 2 paragraph 13.03 (c) of this Constitution. Recordable Decisions by Officers are those described in paragraphs (c) (i) and (ii). Recordable Decisions by individual Executive member are those described in paragraph c (i).
- **Senior Manager** means a manager reporting to a Corporate Director, , Service Director or Head of Service.
- **Voluntary and Community Organisations (VCS)** are organisations set up for charitable, social, community or environmental benefit, rather than for profit and which are independent of statutory bodies