

Resources Department  
7 Newington Barrow Way, London N7 7EP

Report of: Monitoring Officer

Meeting of: Council

Date: 11 July 2024

Ward(s): N/A

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## Subject: Constitution Update

### 1. Synopsis

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

### 2. Recommendations

- 2.1. To approve the amendments to the Constitution as set out in the appendix to the report.

### 3. Background

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

- 3.1. Amendment to Part 5 – Voluntary and Community Sector Committee  
Following the [decision of the Executive on 23 May 2024](#), the VCS Committee has been disbanded. It is proposed to amend the Constitution to clarify that the functions of the VCS Committee will now be carried out by the Executive, or by officers if the decision is within the scope of their delegated authority. The terms of reference of the Committee at Part 5 of the Constitution will be deleted, and all other references to the VCS Committee will be updated accordingly.

## 4. Implications

### 4.1. Financial Implications

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

### 4.2. Legal Implications

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

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

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

### 4.4. Equalities Impact Assessment

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

An Equalities Impact Assessment is not required in relation to this report.

## 5. Conclusion and reasons for recommendations

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

### Appendices:

Appendix A - Amendments to Part 5 of the Constitution

Appendix B – Amendments to Part 3 of the Constitution

Appendix C –Amendments to Part 1 of the Constitution

Appendix D – Amendments to Part 2 of the constitution

**Background papers:** None

**Final report clearance:**

Authorised by: Alison Stuart

**Director of Law and Governance & Monitoring Officer**

Date: 8 July 2024

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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, and 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.<sup>1</sup>

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<sup>1</sup> ~~These rules do not currently apply as the council is not divided into 2 or more political groups~~

## ~~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.~~

## 4. MATTERS RESERVED FOR EXECUTIVE DECISION

### 4.8 VOLUNTARY AND COMMUNITY SECTOR

- (a) To determine 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. Including responsibilities:
- i. To determine Voluntary & Community Sector Partnership Grants Programme every four years.
  - ii. To determine the council's contribution to the annual London Borough Grants Scheme.
  - iii. To receive an annual report on Discretionary Rate Relief and a summary of the allocation of funding.
  - iv. To receive an annual report on the Council venues community free hire scheme, agree the criteria for allocations and receive an annual summary of free hire awards.
  - v. To receive an annual report on the Local Initiatives Fund, agree the annual budget and allocation criteria and receive an annual summary of the allocation of funding.  
  
To agree the budget and arrangements for the Community Festivals Fund Small Grants Programme every three years.
  - vi. To receive an annual report on the Islington Community Chest and agree the annual budget and arrangements for allocating funding.
- (b) To review 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 decisions that may be taken by officers with the relevant delegated authority.

## 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.~~



## PART 1 - SUMMARY AND EXPLANATION

### 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;
<del>Voluntary and Community Sector Committee</del>	<del>a committee of the Executive which allocates support to the voluntary and community sector;</del>
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.

## Article 7 – The Executive

### 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 10 – Ward Partnerships

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 [Executive](#) ~~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.