



CONSTITUTION COMMITTEE

Wednesday 13 April 2022
at 5.30 pm Council Chamber, Hackney
Town Hall, Mare Street, London E8 1EA

The live stream can be viewed here:

<https://youtu.be/adVhei13Xtc> or
<https://youtu.be/OtHBCEVJNWU>

Members of the Committee:

Deputy Mayor Anntoinette Bramble
Councillor Margaret Gordon
Councillor Ian Rathbone
Councillor Simche Steinberger
Councillor Lynne Troughton

Mark Carroll
Chief Executive
www.hackney.gov.uk

Contact: Rabiya Khatun
Governance Officer
Rabiya.khatun@hackney.gov.uk

**Constitution Committee
Wednesday 13 April 2022
Agenda**

- 1 To Elect a Chair**
- 2 Apologies For Absence**
- 3 Declarations of Interest - Members to declare as appropriate**
- 4 Terms of Reference (Pages 9 - 10)**

To note the Terms of Reference agreed by Full Council on 26th January 2022.
- 5 Constitution Refresh (Pages 11 - 22)**
- 6 Any Other Business Which In The Opinion Of The Chair Is Urgent**

Public Attendance

The Town Hall is not presently open to the general public, and there is limited capacity within the meeting rooms. However, the High Court has ruled that where meetings are required to be 'open to the public' or 'held in public' then members of the public are entitled to have access by way of physical attendance at the meeting. The Council will need to ensure that access by the public is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice.

Those members of the public who wish to observe a meeting are still encouraged to make use of the live-stream facility in the first instance. You can find the link on the agenda front sheet.

Members of the public who would ordinarily attend a meeting to ask a question, make a deputation or present a petition will be able to attend if they wish. They may also let the relevant committee support officer know that they would like the Chair of the meeting to ask the question, make the deputation or present the petition on their behalf (in line with current Constitutional arrangements).

In the case of the Planning Sub-Committee, those wishing to make representations at the meeting should attend in person where possible.

Regardless of why a member of the public wishes to attend a meeting, they will need to advise the relevant committee support officer of their intention in advance of the meeting date. You can find contact details for the committee support officer on the agenda front page. This is to support track and trace. The committee support officer will be able to confirm whether the proposed attendance can be accommodated with the room capacities that exist to ensure that the meeting is covid-secure.

As there will be a maximum capacity in each meeting room, priority will be given to those who are attending to participate in a meeting rather than observe.

Members of the public who are attending a meeting for a specific purpose, rather than general observation, are encouraged to leave the meeting at the end of the item for which they are present. This is particularly important in the case of the Planning Sub-Committee, as it may have a number of items on the agenda involving public representation.

Before attending the meeting

The public, staff and councillors are asked to review the information below as this is important in minimising the risk for everyone.

If you are experiencing covid symptoms, you should follow government guidance. Under no circumstances should you attend a meeting if you are experiencing covid symptoms.

Anyone experiencing symptoms of Coronavirus is eligible to book a swab test to find out if they have the virus. You can register for a test after checking your symptoms through the NHS website. If you do not have access to the internet, or have difficulty with the digital portals, you are able to call the 119 service to book a test.

If you're an essential worker and you are experiencing Coronavirus symptoms, you can apply for priority testing through GOV.UK by following the guidance for essential workers. You can also get tested through this route if you have symptoms of coronavirus and live with an essential worker.

Availability of home testing in the case of people with symptoms is limited, so please use testing centres where you can.

Even if you are not experiencing covid symptoms, you are requested to take an asymptomatic test (lateral flow test) in the 24 hours before attending the meeting.

You can do so by visiting any lateral flow test centre; details of the rapid testing sites in Hackney can be found here. Alternatively, you can obtain home testing kits from pharmacies or order them here.

You must not attend a lateral flow test site if you have Coronavirus symptoms; rather you must book a test appointment at your nearest walk-through or drive-through centre.

Lateral flow tests take around 30 minutes to deliver a result, so please factor the time it will take to administer the test and then wait for the result when deciding when to take the test.

If your lateral flow test returns a positive result then you must follow Government guidance; self-isolate and make arrangements for a PCR test. Under no circumstances should you attend the meeting.

Attending the Town Hall for meetings

To make our buildings Covid-safe, it is very important that you observe the rules and guidance on social distancing, one-way systems, hand washing, and the wearing of masks (unless you are exempt from doing so). You must follow all the signage and measures that have been put in place. They are there to keep you and others safe.

To minimise risk, we ask that Councillors arrive fifteen minutes before the meeting starts and leave the meeting room immediately after the meeting has concluded. The public will be invited into the room five minutes before the meeting starts.

Members of the public will be permitted to enter the building via the front entrance of the Town Hall no earlier than ten minutes before the meeting is scheduled to start. They will be required to sign in and have their temperature checked as they enter the building. Security will direct them to the Chamber or Committee Room as appropriate.

Seats will be allocated, and people must remain in the seat that has been allocated to them.

Refreshments will not be provided, so it is recommended that you bring a bottle of water with you.

RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, may designate a set area from which all recording must take place at a meeting.

The Council will endeavour to provide reasonable space and seating to view, hear and record the meeting. If those intending to record a meeting require any other reasonable facilities, notice should be given to the Monitoring Officer in advance of the meeting and will only be provided if practicable to do so.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the meeting.

Disruptive behaviour may include: moving from any designated recording area; causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

All those visually recording a meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease and all recording equipment must be removed from the meeting. The press and public are not permitted to use any means which might enable them to see or hear the

proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to all Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- Director of Legal, Democratic and Electoral Services
- the Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

You will have a disclosable pecuniary interest in a matter if it:

- i. relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- ii. relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- iii. affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

If you have a disclosable pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- ii. You must leave the meeting when the item in which you have an interest is being discussed. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- iii. If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the meeting and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the meeting, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the meeting whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the meeting. Once you have finished making your representation, you must leave the meeting whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services via email dawn.carter-mcdonald@hackney.gov.uk

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Draft Terms of Reference of the Constitution Committee

1. Composition

Membership – The Constitution Committee will comprise 5 members:

- One member of the Executive who will be responsible for reporting the views of Cabinet to the Committee;
- One Member of the Majority Group who is not a member of the Executive who will be responsible for reporting the views of the Majority Group to the Committee;
- One Member of the Opposition Group(s) who will be responsible for reporting the views of the Opposition Group(s) to the Committee;
- One member of the Audit Committee; and
- One member of the Scrutiny Panel

2. Chair

The Chair will be appointed either at the AGM of Council or at the first meeting of the Committee in each municipal year.

3. Role and Function

The Constitution Committee

- (a) Shall review areas in the Constitution to ensure that they are fit for purpose and propose appropriate changes;
- (b) Receive requests to review certain areas of the Constitution;
- (c) Consider changes proposed by Members, Officers and Committees;
- (d) Recommend proposed changes to Council for approval.

The Constitution Committee will set its own work programme. The following persons / bodies can request that it considers a particular area of the Constitution for review:

- The Mayor
- Full Council
- Party Whips
- The Monitoring Officer

The Constitution Committee has no decision making powers and will make recommendations to full Council.

The Constitution Committee can invite any Member or Officer to speak on a particular item under consideration (e.g. the s151 Officer if the Committee is looking at the rules relating to the setting of the budget).

4. Frequency of Meetings

4 meetings per municipal year

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CONSTITUTION REFRESH	
CONSTITUTION COMMITTEE 13 April 2022	CLASSIFICATION: Open APPENDICES Appendix 1 Appendix 2 Appendix 3
WARD(S) AFFECTED N/A	
DIRECTOR: Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services	

1. SUMMARY

- 1.1 Following the establishment of the Constitution Committee at Full Council on 26 January 2022, this report seeks to agree the vision for the Constitution refresh set out in the body of this report, seeks approval of the proposal format for the new Constitution and approval of the work programme.

2. RECOMMENDATIONS

2.1 That the Committee:

- (i) **Endorse the vision for the Constitution refresh.**
- (ii) **Approve the proposed format for the Constitution, subject to any amendments following discussions at the meeting.**
- (iii) **Approve the work programme set out at Appendix 3.**

3. BACKGROUND

- 3.1 On 26 January 2022, Full Council established the Constitution Committee with the following principle terms of reference:
- (a) ... review areas in the Constitution to ensure that they are fit for purpose and propose appropriate changes;
 - (b) receive requests to review certain areas of the Constitution;
 - (c) consider changes proposed by Members, Officers and Committees;
 - (d) recommend proposed changes to Council for approval.
- 3.2 The Committee was established under the backdrop of work commencing to conduct a review and refresh of the Council's Constitution more generally. As explained within the report to Full Council, this review would **not** seek to change the balance of decision-making within the Council or how decisions are made generally, rather it would aim to provide greater clarity for the public and Members alike as to how the Council operates and improve upon the information provided to the public / businesses / other organisations generally with regards to the operation of the Council and with particular reference as to how they can become involved with the formal aspects of Council decision-making.
- 3.3 An Officer Working Group has been established to lead on proposals for change under refresh, which will then be considered by the Constitution Committee. The Officer Working Group comprises the following persons:
- Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services
 - Louise Humphreys, Head of Legal and Governance
 - Lucinda Bell, Lawyer
 - Peter Gray, Governance Officer
 - Dianne Murphy, Lawyer
 - Nkencho Okonta, Trainee Solicitor

4. VISION FOR THE CONSTITUTION REFRESH

- 4.1 The following vision statement is proposed to serve as a framework for the objectives of both the Officer Working Group and the Constitution Committee as it undertakes the review and refresh:

To produce a clear and succinct Constitution for the London Borough of Hackney which is user-focused and accessible for all; which provides helpful instruction on the manner in which the Council conducts its business; and which ensures excellence in governance across the Council.

5. INITIAL PROPOSALS

- 5.1 The Committee's views are sought on a number of initial proposals which will then form the basis of the work which will follow.

Overall Form and Presentation of the Constitution

- 5.2 The Officer Working Group has considered how the new Constitution could be presented. A comparison between the existing format of the Constitution and proposals for the new format appears at [Appendix 1](#).
- 5.3 The Committee will note that the opportunity has been taken to increase the number of Parts within the Constitution; the intention behind this is to make the new Constitution easier for all users to navigate whilst not necessarily increasing the total number of pages. The Committee will also note that the Officer Working Group is proposing some new Sections within these revised Parts to provide additional information and improve clarity. The purpose of these new Sections are explained in [Appendix 2](#).
- 5.4 The Committee is invited to consider both the proposed new format and new Sections and provide observations and comment on the proposals.

6. PROPOSED WORK PROGRAMME

- 5.1 Subject to the Committee's comments on the proposed new format for the Constitution, a proposed work programme at [Appendix 3](#) sets out how the work will be divided and presented to the Committee for comments / approval.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 6.1 There are no financial implications arising from the content of this report.

8. COMMENTS OF THE DIRECTOR OF LEGAL, DEMOCRATIC AND ELECTORAL SERVICES

- 7.1 Section 37 of the Local Government Act 2000 requires that the Council must prepare and keep up to date a document known as the Constitution which contains a copy of the Council's standing orders, a copy of the Council's code of

conduct, and such other information (if any) as the Council considers appropriate. In addition, Article 15 of the Constitution requires the Monitoring Officer to monitor and review the operation of the Constitution and to make recommendations for the way in which it could be amended in order to achieve its purposes.

5.2 Previously there was also a requirement that the Constitution had to comply with any direction issued by the Secretary of State which detailed the information that any constitution ought to contain. That requirement has been repealed (in so far as authorities in England are concerned); however, the direction remains a useful checklist for what matters a constitution ought to cover.

5.3 In addition, in preparing or keeping up to date the Constitution, the Council must also have regard to any guidance issued by the Secretary of State under section 9Q of the Act. Guidance previously issued by the Secretary of State entitled “Modular constitutions for English local authorities” has now been archived, but it remains extant and will be of relevance to the work of the Committee.

APPENDICES

Appendix 1 - [Comparison existing and proposed new format of Constitution](#)

Appendix 2 - [Purpose of new sections in the Constitution](#)

Appendix 3 - [Work Programme](#)

BACKGROUND PAPERS

None.

Report Author	Louise Humphreys Head of Legal and Governance Services louise.humphreys@hackney.gov.uk Tel 020 8356 4817
Comments of the Group Director of Finance and Corporate Resources	Jackie Moylan Director, Financial Management jackie.moylan@hackney.gov.uk Tel: 020 8356 3032
Comments of the Director of Legal, Democratic and Electoral Services	Dawn Carter-McDonald Director of Legal, Democratic and Electoral Services dawn.carter-mcdonald@hackney.gov.uk Tel: 020 8356 6234

Hackney Council Constitution

Part	Existing Format	Proposed New Format
	Contents	Contents
		Glossary
Part 1	Summary <ul style="list-style-type: none"> ● London Borough of Hackney ● What is the Constitution ● The Council ● The Speaker ● The Executive ● Council Committees and Sub-Committees ● Overview and Scrutiny ● Ward Forums ● Citizens' Rights ● The Council's Staff ● Management Structure 	Your Council <ul style="list-style-type: none"> ● Overview ● Principles of Decision-Making ● Citizen's Rights and Responsibilities
Part 2	Articles of the Constitution	Articles of the Constitution
Part 3	Responsibility for Council and Executive Functions	Responsibility for Council and Executive Functions
Part 4	Procedure Rules <ul style="list-style-type: none"> ● Council Procedure Rules ● Access to Information Procedure Rules ● Budget and Policy Framework Procedure Rules ● Executive Procedure Rules ● Overview and Scrutiny Procedure Rules ● Financial Procedure Rules ● Contract Standing Orders ● Officer Employment Procedure Rules 	Procedure Rules <ul style="list-style-type: none"> ● Council Procedure Rules ● Budget and Policy Framework Procedure Rules ● Overview and Scrutiny Procedure Rules ● Call-in Procedure Rules
Part 5	Codes and Protocols <ul style="list-style-type: none"> ● Councillors Code of Conduct ● Protocol for Member / Officer Relations ● Planning Code of Practice ● Licensing Code of Practice 	Finance and Contract Rules <ul style="list-style-type: none"> ● Financial Procedure Rules ● Contracts Standing Orders
Part 6	Members Allowances Scheme <ul style="list-style-type: none"> ● Members' Allowances Scheme 	Public Participation <ul style="list-style-type: none"> ● Attendance at Meetings ● Public Speaking

		<ul style="list-style-type: none"> ● Access to Information Procedure Rules ● Petition Scheme ● Deputations ● Protocol for Recording / Livestreaming of Council meetings
Part 7	Petitions	<p>Elected Mayor and Councillors</p> <ul style="list-style-type: none"> ● Councillors Code of Conduct ● Standing Orders relating to the Holding of Office ● Members' Allowances Scheme ● Protocol for Member / Officer Relations ● Members' Access to Information
Part 8	Glossary	<p>Officers</p> <ul style="list-style-type: none"> ● Chief and Proper Officer Roles and Functions ● Officer Employment Procedure Rules ● Monitoring Officer Protocol ● Politically Restricted Posts
Part 9		<p>Codes and Protocols</p> <ul style="list-style-type: none"> ● Planning Code of Practice ● Licensing Code of Practice ● Key Decisions Protocol

Purpose of New Sections ¹

Part	Proposed New Format	Purpose of New Sections
Part 1	Your Council <ul style="list-style-type: none"> ● Overview ● Principles of Decision-Making ● Citizen's Rights and Responsibilities 	<p><u>Overview</u> This will encompass all of the information contained about the Council previously located within the Summary</p> <p><u>Principles of Decision-Making</u> This will set out the core objectives of the Council's approach to decision making and outlines how these objectives are achieved. It sets out the principles that all decision takers must follow.</p>
Part 2	Articles of the Constitution	
Part 3	Responsibility for Council and Executive Functions	
Part 4	Procedure Rules <ul style="list-style-type: none"> ● Council Procedure Rules ● Budget and Policy Framework Procedure Rules ● Overview and Scrutiny Procedure Rules ● Call-in Procedure Rules 	<p><u>Call-in Procedure Rules</u> This information was previously contained within the Overview and Scrutiny Procedure Rules, but is now proposed to be separated into its own Section for ease of reference by elected members who might wish to consider calling-in a decision.</p>

¹ Where Sections currently exist within the Constitution, these are not explained further.

Part 5	Finance and Contract Rules <ul style="list-style-type: none"> ● Financial Procedure Rules ● Contracts Standing Orders 	
Part 6	Public Participation <ul style="list-style-type: none"> ● Attendance at Meetings ● Public Speaking ● Access to Information Procedure Rules ● Petition Scheme ● Deputations ● Protocol for Recording / Livestreaming of Council meetings 	<p><u>Attendance at Meetings</u> This Section will explain how members of the public can attend meetings, where to find out when meetings are held and how to access papers for meetings. It will also refer to when access may be restricted in the case of confidential items.</p> <p><u>Public Speaking</u> This Section will detail all of the opportunities for members of the public to speak at the Council's meetings, including at Planning and Licensing meetings.</p> <p><u>Deputations</u> Although the Constitution refers to how members of the public can make deputations, it does so within the confines of Procedure Rules. Whilst these will be retained, this new Section will provide information as to how to make a deputation and how the deputation will be dealt with.</p> <p><u>Protocol for Recording / Livestreaming of Council meetings</u> This Section will provide guidance for those members of the public wishing to record Council meetings and will also explain the Council's arrangements around livestreaming.</p>
Part 7	Elected Mayor and Councillors <ul style="list-style-type: none"> ● Councillors Code of Conduct ● Standing Orders relating to the Holding of Office ● Members' Allowances Scheme ● Protocol for Member / Officer Relations ● Members' Access to Information 	<p><u>Standing Orders relating to the Holding of Office</u> This Section is designed to provide elected members and members of the public alike with information on matters such as qualification, term of office, how resignations / vacancies will be dealt with and any arrangements needed to ensure continuity of business after an election and before the AGM.</p> <p><u>Members' Access to Information</u> Although the Constitution currently contains a Section around Access to</p>

		Information, this is predominantly from the perspective of accessing meeting papers. This new Section will explain the rights of elected Members to obtain information more generally.
Part 8	<p>Officers</p> <ul style="list-style-type: none"> ● Chief and Proper Officer Roles and Functions ● Officer Employment Procedure Rules ● Monitoring Officer Protocol ● Politically Restricted Posts 	<p><u>Monitoring Officer Protocol</u> Although the Constitution currently explains in broad terms the role and powers of the Monitoring Officer, the intention is to move this to a new Section which will also explain the working arrangements in place to ensure the effective discharge of Council functions</p> <p><u>Politically Restricted Posts</u> This Section will explain whist posts are politically restricted and the implications of such restrictions.</p>
Part 9	<p>Codes and Protocols</p> <ul style="list-style-type: none"> ● Planning Code of Practice ● Licensing Code of Practice ● Key Decisions Protocol 	<p><u>Key Decisions Protocol</u> This Protocol will explain what a key decision is and how those decisions will be publicised and taken, whether by Cabinet or by an officer acting under a delegated power.</p>
Part 10	Glossary	

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**CONSTITUTION COMMITTEE
PROPOSED WORK PROGRAMME**

April 2022	1st Quarter 2022/2023 Municipal Year	2nd Quarter 2022/2023 Municipal Year	3rd Quarter 2022/2023 Municipal Year	4th Quarter 2022/2023 Municipal Year
Agree the vision for the review	Part One - Your Council	Part Four - Procedure Rules	Part Seven - Elected Mayor and Councillors	Full Document Review
Agree the format of new Constitution	Part Two - Articles of the Constitution	Part Five - Finance and Contract Rules	Part Eight - Officers	
	Part Three - Responsibility for Council and Executive Functions	Part Six - Public Participation	Part Nine - Codes and Protocols	

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