



CONSTITUTION COMMITTEE

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

The live stream can be viewed here:

<https://youtu.be/s0wSNe3uzRo> or
<https://youtu.be/bICJ5ZBIKKI>

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 July 2022
Agenda**

- 1 To elect the Chair and Vice-Chair for the Municipal Year 2022/23**
- 2 Apologies For Absence**
- 3 Declarations of Interest - Members to declare as appropriate**
- 4 Consideration Of The Minutes Of The Previous Meeting (Pages 7 - 10)**
- 5 Ward Forums Support (Pages 11 - 20)**
- 6 Constitution Committee Terms of Reference and Work Programme for 2022 / 2023 (Pages 21 - 26)**
- 7 Constitution Review - Parts One and Two (Pages 27 - 161)**
- 8 Any Other Business Which In The Opinion Of The Chair Is Urgent**

Public Attendance

Following the lifting of all Covid-19 restrictions by the Government and the Council updating its assessment of access to its buildings, the Town Hall is now open to the public and members of the public may attend meetings of the Council.

We recognise, however, that you may find it more convenient to observe the meeting via the live-stream facility, the link for which appears on the agenda front sheet.

We would ask that if you have either tested positive for Covid-19 or have any symptoms that you do not attend the meeting, but rather use the livestream facility. If this applies and you are attending the meeting to ask a question, make a deputation or present a petition then you may contact the Officer named at the beginning of the Agenda and they will be able to make arrangements for the Chair of the meeting to ask the question, make the deputation or present the petition on your behalf.

The Council will continue to ensure that access to our meetings 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. The latest general advice can be found here - <https://hackney.gov.uk/coronavirus-support>

Rights of Press and Public to Report on Meetings

The Openness of Local Government Bodies Regulations 2014 give the public the right to film, record audio, take photographs, and use social media and the internet at meetings to report on any meetings that are open to the public.

By attending a public meeting of the Council, Executive, any committee or sub-committee, any Panel or Commission, or any Board you are agreeing to these guidelines as a whole and in particular the stipulations listed below:

- Anyone planning to record meetings of the Council and its public meetings through any audio, visual or written methods they find appropriate can do so providing they do not disturb the conduct of the meeting;
- You are welcome to attend a public meeting to report proceedings, either in 'real time' or after conclusion of the meeting, on a blog, social networking site, news forum or other online media;
- You may use a laptop, tablet device, smartphone or portable camera to record a written or audio transcript of proceedings during the meeting;
- Facilities within the Town Hall and Council Chamber are limited and recording equipment must be of a reasonable size and nature to be easily accommodated.
- You are asked to contact the Officer whose name appears at the beginning of this Agenda if you have any large or complex recording equipment to see whether this can be accommodated within the existing facilities;

- You must not interrupt proceedings and digital equipment must be set to 'silent' mode;
- You should focus any recording equipment on 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 to respect the wishes of those who do not want to be filmed and photographed may result in the Chair instructing you to cease reporting or recording and you may potentially be excluded from the meeting if you fail to comply;
- Any person whose behaviour threatens to disrupt orderly conduct will be asked to leave;
- Be aware that libellous comments against the council, individual Councillors or officers could result in legal action being taken against you;
- The recorded images must not be edited in a way in which there is a clear aim to distort the truth or misrepresent those taking part in the proceedings;
- Personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, religion, gender, sexual orientation or disability status could also result in legal action being taken against you.

Failure to comply with the above requirements may result in the support and assistance of the Council in the recording of proceedings being withdrawn. The Council regards violation of any of the points above as a risk to the orderly conduct of a meeting. The Council therefore reserves the right to exclude any person from the current meeting and refuse entry to any further council meetings, where a breach of these requirements occurs. The Chair of the meeting will ensure that the meeting runs in an effective manner and has the power to ensure that the meeting is not disturbed through the use of flash photography, intrusive camera equipment or the person recording the meeting moving around the room.

Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

The Monitoring Officer;
The Deputy Monitoring Officer; or
The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, you **must** make a verbal declaration of the existence and nature of the DPI at

or before the consideration of the item of business or as soon as the interest becomes apparent. You **may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Disclosure of Other Interests

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you must disclose the interest. You **may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself.



MINUTES OF A MEETING OF THE CONSTITUTION COMMITTEE

WEDNESDAY, 13 APRIL 2022

Link to live stream:

<https://youtu.be/adVhei13Xtc>

Councillors Present: **Councillor Margaret Gordon in the Chair**

Councillor Ian Rathbone

Present virtually

Councillor Lynne Troughton

Apologies: Deputy Mayor Anntoinette Bramble and Councillor
Simche Steinberger

Officers in Attendance: Lucinda Bell (Education Lawyer), Peter Gray
(Governance Officer), Louise Humphreys (Head of Legal
and Governance), Rabiya Khatun (Governance Officer),
Dawn Cater- McDonald (The Director of Legal,
Democratic and Electoral Services) and
Nkencho Okonta (Trainee Solicitor).

1 **To elect a Chair**

1.1 Councillor Gordon was duly elected to chair the meeting.

2 **Apologies For Absence**

2.1 Apologies for absence were received on behalf of Deputy Mayor Bramble and
Councillor Steinberger.

3 **Declarations of Interest - Members to declare as appropriate**

3.1 There were no declarations of interest at the meeting.

4 **Terms of Reference**

4.1 The Head of Legal and Governance introduced the terms of reference of the
Constitution Committee.

4.2 In response to a query from a Member about the Committee having no decision
making powers as set out in the terms of reference but a decision being sought
within the report, the Head of Legal and Governance clarified that any formal

changes to the Constitution would have to be agreed by Full Council as the Council's decision making body and any decisions taken by this Committee would enable officers from the Constitution Working Officer Group (CWOG) to start the process of drafting the new Constitution.

- 4.3 The Head of Legal and Governance undertook to amend the terms of reference at the Council's annual meeting in May 2022 to clarify that the Constitution Committee had no decision making powers to approve the Constitution however, it could recommend any changes for approval to Full Council.

RESOLVED:

To note the Terms of Reference agreed by Full Council on 26th January 2022 subject to the amendment regarding decision making powers.

5 Constitution Refresh

- 5.1 The Head of Legal and Governance introduced the report seeking to agree the vision for the Constitution refresh, approve the proposed new format for the Constitution and the work programme.

- 5.2 The Head of Legal and Governance made the following points in response to questions from Members in relation to the report:

- Officers from the CWOG would be working closely with colleagues in the ICT and Website teams to ensure that the new Constitution was easily accessible online including for the visually impaired, user friendly with hyperlinks for easy navigation and new Sections providing additional information and greater clarity. A whole document would also be available for those users that accessed documents in different ways. The Council would be applying for a Crystal mark accreditation for the final document to ensure it met the standards for clarity of the document;
- With regard to the proposed new section for public participation, this section would detail how the public could communicate with the Council on issues such as deputations, petitions and public speaking. It was important that members of the public had information clearly outlining the process on how to submit petitions etc. The CWOG would be undertaking a more broader exercise reviewing information to ensure that the Council was provided relevant information to take forward deputations or residents' questions as well as considering the best approach for submitting information either by form or email;
- In terms of the Council's public sector equality duty, the CWOG would be seeking advice throughout the process to ensure compliance with this duty and equality impact assessments would be undertaken for relevant sections. In response to a request from the Chair, it was agreed that a note would be appended on future agendas to remind Members to consider the equalities impact assessment in relation to the Council's policies, equalities, anti-racism and poverty;

ACTION: The Head of Legal and Governance undertook to append a note on equality impact assessment on future agendas.

- The Director of Legal, Democratic and Electoral Services undertook to liaise with the Head of Policy and Strategic Delivery and Head of Scrutiny and Ward Forums following concerns expressed that some Members were

replacing Ward Forums meetings that focused on issues within a Ward with Residents' meetings that concentrated on a single issue and a request to review Ward Forums to ensure residents understood how these meetings operated and interacted, setting frequency of meetings annually and the resources available to minute future meetings;

ACTION: The Director of Legal, Democratic and Electoral Services to liaise with the Head of Policy and Strategic Delivery and Head of Scrutiny and Ward Forums to review Ward Forums at the next meeting.

- The CWOG would be engaging and consulting with relevant officers, senior officers, Committees and Scrutiny Panels when reviewing specific sections of the Constitution to ensure a wide range of opinions were being sought and stakeholders could contribute to the process. For example when the planning code of practice was being refreshed, consultation was undertaken with planning officers, Corporate Committee and Planning Sub-Committee. It was currently envisaged that there would be no major changes to Scrutiny Panels;
- Information regarding the call-in procedure would be outlined in a new section to make it easier for Members to understand the process including being able to meet with the relevant Cabinet Member before calling in an executive decision; and
- As part of the CWOG's work in improving and enhancing the current Constitution, when officers were drafting and revising elements of it they were also comparing the changes with comparable local authorities in areas such as phraseology as well identifying the positive and negative elements.

5.3 Members thanked officers for starting their work on drafting the new Constitution and emphasised that the focus should be on the process.

RESOLVED to:

- 1. Endorse the vision for the Constitution refresh.**
- 2. Approve the proposed format for the Constitution, subject to any amendments following discussions at the meeting.**
- 3. Approve the work programme set out at Appendix 3.**

6 Any Other Business Which In The Opinion Of The Chair Is Urgent

6.1 There was no other urgent business considered at the meeting.

Duration of the meeting: 5.30 - 6.13 pm

This page is intentionally left blank



Title of Report	Ward Forums Support
For Consideration By	Constitution Committee
Meeting Date	13th July 2022
Classification	Open/Exempt
<u>Ward(s) Affected</u>	All
<u>Group Director</u>	Mark Carroll

1. **Introduction**

- 1.1. This paper provides an update on Ward Forums following the concerns expressed that some Members were replacing Ward Forums with meetings that focused on issues within a Ward with residents' meetings that concentrated on a single issue. The Head of Policy and Strategic Delivery and Head of Scrutiny and Ward Forums were asked to provide information on Ward Forums covering how these meetings operated, the frequency of meetings annually and the resources available to support future meetings.

2. **Recommendations**

- 2.1. **To note the update provided in this report**

3. **Background**

- 3.1. Ward Forums (WF) were introduced in 2014 to support Ward Councillors' community leadership roles. The aim was to create an ongoing way for Councillors to engage with residents about key local issues and for this insight to feed into wider Council insight. Ward Forums benefit from the fact that Ward Councillors are close to the local community and are best placed to identify the needs or areas of concern to local residents in their ward.
- 3.2. Ward Forums are described in the constitution as a committee of the Council with the following role. *'Ward Forums provide an opportunity for effective engagement between ward Councillors and local Citizens. Ward Forums enable local discussion and a locally developed way of taking issues forward in order to make a difference to local areas. Ward Forums are run by the*

*ward Councillors for each ward area with the support of Council Officers. All Ward Forum meetings are held in public at a venue within the ward area.*¹

- 3.3. When the Ward forums were originally set up, each ward had a named link officer but this role was serviced by officers who volunteered their time on top of their day job from across the organisation. As the organisation has shrunk, and people's workloads have increased and become more pressured, this model has become unviable. There has never been a dedicated budget for staffing to support ward forums, so it has not been possible to propose an alternative that still assigns a named officer to each ward forum. Instead, there is a consistent offer of central support offered across all 21 Wards and Ward Councillors are expected to lead meetings without officer support in the meetings.

4. **Background**

Current Ward Forum Offer and Support

- 4.1. Responsibility for Ward Forums sits with the Head of Scrutiny and Ward Forums who reports to the Head of Policy and Strategic Delivery. It therefore sits with a manager who has a wider remit to support Ward Councillors' community leadership through participation in Scrutiny. All ward forum planning goes to this officer who has oversight to ensure each ward forum is arranged and officer resources provided if required. There is no dedicated officer support covering this provision of service but if required, officer support is drawn from the wider Policy and Strategic Delivery Service area. In addition, there is a small budget available for Councillors to use to promote their ward forums but this budget is reviewed annually.
- 4.2. There are no formal dates set aside in the Council Calendar for Ward Forum meetings. Ward Councillors can choose to hold up to 3 meetings a year and at a date that suits their availability. There is a small budget available for each ward to cover promoting ward forum meetings.
- 4.3. The following support is provided to ward councillors when they are setting up a ward forum meeting:
- Help to draft the ward forum leaflet to promote the meeting.
 - Help with facilitation and coordination of invitations to speakers to attend the ward forum meeting
 - Submitting a request to Print Services for the printing of the ward forum leaflet produced and booking a courier service to distribute the ward forum leaflet across the ward or to specific streets
 - Assistance with booking the venue or room.

¹ [Hackney Council Constitution](#) - Part 1 (Summary) - Section Council Committees and Sub Committees

4.4. There is no compulsory cycle for ward forums or start time but generally we suggest holding ward forums around the cycle below and starting the meetings at 7pm.

- June / July
- October / November
- March / April.

4.5. Requests to hold a Ward Forum meeting are sent to the Head of Scrutiny and Ward Forums or Members Services.

4.6. Our aim for officer support is to ensure Ward Councillors are supported to answer queries from residents. The officers asked to attend a Ward Forum will be from the relevant service area for the topic of discussion. The officer attending will be there to feed into and inform the topic(s) being discussed. The officer in attendance from the service area will not take notes of the Ward Forum discussion but note any actions they themselves need to take forward or follow up for the service area.

Ward Forums During Covid

4.7. During Covid ward forums were held virtually and Members could hold their ward forum using the Zoom platform or Google Meetings. The only restriction we had was not being able to run concurrent meetings on the same day in Zoom. Therefore we could only hold one WF meeting per evening. We did not have this limitation for meetings set up in Google Meets.

4.8. Like physical meetings, ward councillors were responsible for the operation of the Ward Forum meeting in the virtual environment. Information and guidance was provided to Members to help set up their Ward Forum meetings as securely as possible. It was not possible to provide ICT support for Ward Forum meetings and they were not live-streamed.

4.9. Ward Forum meetings are defined in the Constitution as public meetings and therefore needed to be accessible by any member of the public. To ensure accessibility we published the meeting details on the website. Although this is contrary to our approach for formal council meetings, Ward Forum meetings needed to be accessible to any member of the public right up to the time of the meeting. This carried some risk which ward councillors had to manage at the meeting if required. To mitigate this risk of 'meeting bombing'. We identified the best platform to use was Zoom because it had the waiting room facility. Giving ward councillors control over who entered the meeting area.

4.10. We still provided printed copies for distribution and an electronic copy of the ward forum leaflet for distribution by ward councillors to residents on their mailout list and to promote the meeting using social media. Councillors still had access to the same offer of support as outlined in the section above.

Next Steps

- 4.11. As we come out of the pandemic and revisit what we have learnt more broadly about place based working and the leadership role Ward Councillors play, there is an opportunity to review the potential impact Ward Forums could have if they were aligned with other work, either within the Policy and Strategic Delivery service or other services within my wider service area and this will consider resource capacity. Our review of ward forums is aimed at considering how we can better align Ward Forums to community partnership and the place-based work by the Council. Our objective is to ensure ward councillors are better placed to engage at a local level with the wider community partnership work taking place and also assist officers in the council to look holistically at community needs across the borough.
- 4.12. There is potential for ward forums to support ward councillors in their community leadership role to help resolve issues related to locality / place, negotiating solutions and bringing together all parties. This could be linked to fulfilling their ward pledges as key community leaders of place in their Ward and provide a feedback loop to residents. However any review will need to consider resource allocation in tandem.

Equality impact assessment

- 4.13. This report is for information only and no new decision is being proposed. There is therefore no equality impact assessment.

Sustainability and climate change

- 4.14. This report is for information only and no new decision is being proposed. There are no new considerations regarding Sustainability or Climate Change.

Consultations

- 4.15. This report is for information only and no new decision is being proposed. There is therefore no consultation proposed.

Risk assessment

- 4.16. This report is for information only and no new decision is being proposed. There is therefore no risk assessment.

5. Comments of the Group Director of Finance and Corporate Resources.

- 5.1. There are no financial implications arising directly from this report.

6. **Comments of the Director of Legal, Democratic and Electoral Services**

- 6.1. Article 10 of the Council’s Constitution governs the role and function of Ward Forums, the timing of such meetings and the basic principles under which they are to be administered and held. The Article provides for Ward Forums to be held three times per year, for the meetings to be held in public and advertised in advance and for those meetings to be led by Councillors in each ward with support from Council Officers. The primary objectives of Ward Forums are ‘to hear views of citizens to help improve the local area and to agree actions that can be taken to address issues that arise’. The Article also makes clear that Ward Forums have no decision-making powers
- 6.2. There are no legal implications arising directly from this report.

Appendices

Appendix 1 - Ward Forums held 2020-2022

Background documents

None

Report Author	Sonia Khan Head of Policy and Strategic Delivery sonia.khan@hackney.gov.uk 020 8356 5148
Comments for the Group Director of Finance and Corporate Resources prepared by	Deirdre Worrell Director Climate, Homes and Economy and Chief Executive’s Finance deirdre.worrell@hackney.gov.uk 020 8356 7350
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Louise Humphreys Head of Legal and Governance louise.humphreys@hackney.gov.uk 020 8356 4817

This page is intentionally left blank

Appendix 1 Word Forums Support

Ward Forums held 2020-2022

Ward Forum Name	Topics of Discussion
2020	
Leabridge Ward Forum September 2020	<p>New Ice Rink Development and impact on Oxbow Island</p> <p>Discussed the planning application for a new double-pad ice centre on Leyton Marsh, in Leabridge Road, replacing the current building.</p> <p>External officers from the Lea Valley Regional Park in attendance.</p> <p>Via Zoom</p>
Hackney Downs Ward Forum October 2020	<p>Low Traffic Neighbourhoods</p> <p>Discussion on the new Low Traffic Neighbourhood (LTN) in Hackney Downs ward.</p> <p>LBH officers and Cabinet Member in attendance.</p> <p>Via Zoom</p>
Clissold Ward Forum December 2020	<p>Discussion on LTNs, Covid 19 and Cyber attack.</p> <p>LBH officers in attendance.</p> <p>Via Zoom</p>

Appendix 1 Word Forums Support

Ward Forum Name	Topics of Discussion
2021	
Cazenove Ward Forum March 2021	Discussion on Trees, Parking and Bins. LBH officers in attendance. Via Zoom
Woodberry Downs March 2021	Discussion on road safety in the East of Woodberry Down Ward LBH Cabinet Member and officers in attendance. Via Zoom
Leabridge Ward Forum June 2021	Discussion on how the traffic in the area between Median Road and Chatsworth Road could be controlled. Via Zoom
Clissold Ward Forum September 2021	Discussion on closure of Stoke Newington Church Street bus gate, pollution and traffic. LBH officers in attendance. via Zoom
Stoke Newington Ward Forum October 2021	Discussion on friendly streets, air quality, improving public realm and creating a sustainable environment. LBH Cabinet Member in attendance.

Appendix 1 Word Forums Support

Ward Forum Name	Topics of Discussion
	Via Zoom
2022	
Cazenove Ward Forum January 2022	Discussion on Stamford Area Action Plan and Hackney Green Infrastructure. LBH officers in attendance. Via Zoom
Hoxton East and Shoreditch January 2022	Discussion on night-time economy in Shoreditch, negative impacts and possible solutions. LBH Cabinet Member and officers in attendance. Via Zoom
Woodberry Downs Ward Forum January 2022	Discussion on the Stamford Hill Area Action Plan. LBH officers in attendance. Via Zoom

This page is intentionally left blank



Title of Report	Constitution Committee Terms of Reference and Work Programme for 2022 / 2023
For Consideration By	Constitution Committee
Meeting Date	13 July 2022
Classification	Open
<u>Ward(s) Affected</u>	N / A
Director	Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services

1. **Introduction**

- 1.1. In line with established good practice, every year the Constitution Committee notes its Terms of Reference and sets out a work programme for the forthcoming municipal year to help it focus its attention on promoting and maintaining high ethical standards among Members of the Council.

2. **Recommendations**

- 2.1. **The Committee notes that the Terms of Reference for the Constitution Committee will be the subject of a report to Full Council on 20 July 2022 and therefore agrees to defer the formal noting of them until the next meeting.**
- 2.2. **The work programme for 2022 / 2023 as detailed in Appendix 1 to the report be approved.**

3. **Background**

- 3.1. The Terms of Reference for the Constitution Committee were approved by Full Council at its meeting on 26 January 2022, when the Committee was established.
- 3.2. Following the meeting of the Constitution Committee in March, a minor amendment to the Terms of Reference was made to delete reference to XXX.

- 3.3. As a result of the elections in May 2022, there is broad cross-party agreement that the membership of the Committee should be expanded to enable a representative from both opposition groups to sit as members of the Committee. This amendment will be the subject of a report to Full Council on 20 July 2022, and subject to Full Council's approval, the nomination from the Green Party will be noted at the same meeting. Given this impending amendment, it is therefore considered appropriate for the Committee to defer the annual noting of its Terms of Reference until the next meeting.
- 3.4. The suggested work programme for the municipal year is attached as Appendix 1 to this report, a broad outline work programme was agreed by the Committee at its meeting in March 2022.

4. **Comments of the Group Director of Finance and Corporate Resources.**

- 4.1. There are no financial implications arising from the recommendations contained within this report.

5. **Comments of the Director of Legal, Democratic and Electoral Services**

- 5.1. 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.
- 5.2. 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.
- 5.3. There are no legal implications arising directly from this report.

Appendices

Appendix 1 - Work Programme 2022 / 2023

Background documents

None

Report Author	Louise Humphreys Head of Legal and Governance louise.humphreys@hackney.gov.uk
----------------------	--

	020 8356 4817
Comments for the Group Director of Finance and Corporate Resources prepared by	Jackie Moylan Director, Financial Management jackie.moylan@hackney.gov.uk 020 8356 3032
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Dawn Carter-McDonald Director of Legal, Democratic and Electoral Services dawn.carter-mcdonald@hackney.gov.uk 020 8356 6234

This page is intentionally left blank

**CONSTITUTION COMMITTEE
WORK PROGRAMME 2022 / 2023**

MEETING DATE	ITEM	ACTION	PURPOSE	RESPONSIBILITY
13 July 2022	Standards Committee Terms of Reference	Note	To defer noting the Committee's terms of reference for the municipal year as a consequence of a proposed change to the terms being considered by Full Council on 20 July 2022	Monitoring Officer
13 July 2022	Draft Work Programme	Decision	To agree the work programme and the priorities for the Committee for 2021/22	Monitoring Officer
19 July 2022	Ward Forums	Note	To provide Members with information regarding the holding of Ward Forums going forward and how they will be resourced	Head of Policy and Strategic Delivery
13 July 2022	Parts 1 (Your Council) and 2 (Articles of the Constitution)	Action	To review Parts 1 and 2 of the New Constitution and provide comments to the COWG with regards to taking this forward	Director of Legal, Democratic and Electoral Services
26 October 2022	Parts 3 (Responsibility for Council and Executive Functions),	Action	To review Parts 3, 4, 5 and 6 of the New Constitution and provide comments to the COWG with regards to taking this forward	Director of Legal, Democratic and Electoral Services

**CONSTITUTION COMMITTEE
WORK PROGRAMME 2022 / 2023**

MEETING DATE	ITEM	ACTION	PURPOSE	RESPONSIBILITY
	4 (Procedure Rules), 5 (Contract and Finance Rules) and 6 (Public Participation)			
30 January 2023	Parts 7 (Elected Mayor and Councillors, 8 (Officers) and 9 (Codes and Protocols)	Action	To review Parts 7, 8 and 9 of the New Constitution and provide comments to the COWG with regards to taking this forward	Director of Legal, Democratic and Electoral Services
29 March 2022	Full Document Review	Action	To conduct a full document review and provide final comments to the COWG	Director of Legal, Democratic and Electoral Services



Title of Report	Constitution Review - Parts One and Two
For Consideration By	Constitution Committee
Meeting Date	13 July 2022
Classification	Open
<u>Ward(s) Affected</u>	N / A
Director	Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services

1. **Introduction**

- 1.1. At its meeting in March 2022, the Constitution Committee endorsed the vision for the Constitution review and endorsed the proposals for the content of the revised Constitution.
- 1.2. The Constitution Officer Working Group (COWG) has, since that meeting, been reviewing Parts One (Your Council) and Two (Articles of Association), including
 - considering revisions to the existing text where this is to be retained;
 - drafting text for new elements, such as Part One, Section B (Principles of Decision-Making);
 - working up a presentational style for the Constitution, which will be adopted throughout

2. **Recommendations**

- 2.1. **The Committee considers the overall proposed presentational style and draft wording for Parts One and Two of the revised Constitution and provides any comments / observations to be taken forward by the Constitution Officer Working Group.**

3. **Background**

- 3.1. The Constitution Committee was established on 26 January 2022 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, the review does **not** seek to change the balance of decision-making

within the Council or how decisions are made generally, rather the aim is 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.

3.2. The vision statement endorsed for Constitution review is

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.

3.3. The proposed contents of the revised Constitution, as endorsed by the Committee in March 2022, appears at Appendix 1. Officers have now prepared drafts of Parts One and Two of the revised Constitution for consideration by the Committee. The existing text of Parts One and Two are provided for comparative purposes.

3.4. Members of the Constitution Committee expressed a wish to be provided with guidance as to the requirements for plain English which would meet the standards for the Crystal Mark. The Plain English Campaign produces a number of guides to assist authors, which are available on their website. The copyright to those guides rests with the Plain English Campaign and whilst they allow people to print or save the guides for personal use, the guides cannot be copied or passed on in electronic format without consent. If Members wish to consult the guides, then these are available at <http://www.plainenglish.co.uk/free-guides.html>.

4. Comments of the Group Director of Finance and Corporate Resources.

4.1. There are no financial implications arising from the recommendation contained within this report.

5. Comments of the Director of Legal, Democratic and Electoral Services

5.1. 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.

5.2. 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.

5.3. There are no legal implications arising directly from this report.

Appendices

Appendix 1 - Contents of new Constitution

Appendix 2 - Draft wording for Part One (Your Council)

Appendix 3 - Draft wording for Part Two (Articles of Association)

Appendix 4 - Current form of Parts One and Two from the Council's Constitution (May 2022 edition)

Background documents

None

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

This page is intentionally left blank

Hackney Council Constitution

Part	Contents
	Glossary
Part 1	Your Council <ul style="list-style-type: none"> ● Overview ● Principles of Decision-Making ● Citizen's Rights and Responsibilities
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
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
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
Part 8	Officers <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	Codes and Protocols <ul style="list-style-type: none"> ● Planning Code of Practice ● Licensing Code of Practice ● Key Decisions Protocol

This page is intentionally left blank

Part One - Your Council

Section A - An Overview of the London Borough of Hackney

The London Borough of Hackney

- 1.1 The London Borough of Hackney is in the north east of London and made up of the former metropolitan boroughs of Stoke Newington, Shoreditch and Hackney. Our neighbouring boroughs are; Haringey to the north; the boroughs of Newham and Waltham Forest to the east and north east; the City of London Corporation and the borough of Tower Hamlets to the south and south east; and the borough of Islington to the west.
- 1.2 Hackney is divided into 21 areas, called wards. 15 of the borough's wards elect 3 Councillors each. 6 wards elect 2 Councillors each

The Council

- 1.3 The Council is made up of the Elected Mayor and 57 Councillors who are elected every four years. Together they are known as "Full Council". The Elected Mayor is democratically accountable to residents of the borough as a whole. Councillors are democratically accountable to residents of their ward. You can find details of the Elected Mayor and Councillors, along with the parties they represent, on the Council's website [link inserted].
- 1.4 The legal name for the authority is 'The Mayor and Burgesses of the London Borough of Hackney'. We use the phrase 'the Council' to refer to this legal entity.

Elected Mayor and Councillors

- 1.5 The Elected Mayor and all Councillors will maintain the highest standards of conduct and ethics, in accordance with the Council's adopted Code of Conduct and the other Codes and Protocols adopted by the Council.
- 1.6 The Elected Mayor and all Councillors will
- act as a 'corporate parent' to Hackney's looked-after children and care leavers
 - contribute to the good governance of the authority
 - actively encourage community participation and resident involvement in decision making

- effectively represent the interests of communities and, in the case of Councillors, individual residents in their own ward
- respond to residents' enquiries and representations fairly and impartially
- protect and, if possible, enhance the natural environment to the benefit of the borough and its residents and act to mitigate and ensure resilience to climate change in recognition of the Council's declared climate emergency
- provide community leadership and work for the good of the borough with local, regional and national organisations
- be available to represent the Council on other bodies and attend meetings of the bodies to which they are appointed or, if they are unable to attend, present their apologies.

The Speaker

1.7 The Speaker is the first citizen of the borough. They act as an ambassador for the Council locally, regionally and nationally. The Speaker is elected at the Annual Meeting of the Council and leads meetings of the full Council.

The Elected Mayor and Cabinet

1.8 The Elected Mayor is the political leader of the Council. They are responsible for the appointment of the Deputy Mayor. They also appoint Councillors to serve on the Cabinet. The Elected Mayor may also appoint Councillors to serve as Mayoral Advisors and Mayoral Champions.

1.9 The Cabinet proposes priorities to the Council and suggests how resources should be used to fund these. This document is called the budget and policy framework. Once Council has agreed the document, Cabinet must arrange the delivery of the priorities within the budget that was set. If the Cabinet wishes to make a decision outside the budget and policy framework this must be referred to Full Council.

Council Committees and Sub-Committees

1.10 Full Council has a legal duty to perform certain responsibilities (also called functions) and Cabinet cannot perform those responsibilities. You can find out more details of which responsibilities fall to Full Council and which to Cabinet in

Part X of this Constitution. Most of these responsibilities are delegated, or given, to Officers or to Council Committees or Sub-Committees.

1.11 The terms of reference of the Council's Committees and Sub-Committees are set out in Part X of this Constitution.

Overview and Scrutiny

1.12 Good governance requires effective Scrutiny arrangements. These ensure appropriate checks and balances on the exercise of powers, as well as value for money and best practice.

1.13 The Scrutiny Panel and Scrutiny Commissions review and scrutinise all the Council's work. They do the same for work done by other organisations working in partnership with the Council. In particular, they are responsible for ensuring the effectiveness of the Cabinet. They review matters before, during or after any decision has been made. They also review serious issues affecting the work of the Council or its citizens. This usually happens via an inquiry process and may lead to reports and recommendations being made to Cabinet and / or Council. Cabinet or Full Council may also consult Scrutiny Commissions on the development of policy or budget proposals.

1.14 The Scrutiny Panel co-ordinates and oversees the scrutiny function of the Council and provides support to the work of the Scrutiny Commissions. The Scrutiny Panel is responsible for considering any call-in of an executive decision that has recently been made by the Cabinet or under delegated authority by an Officer. You can find out more information about call-ins in Part X of this Constitution.

Ward Forums

1.15 Ward Forums provide an opportunity for effective engagement between ward Councillors and local citizens. They enable local discussion and locally developed plans to make a difference to their areas.

1.16 Ward Councillors run Ward Forums in each ward area, supported by Council Officers. All Ward Forum meetings are held in public at a venue within the ward area.

Officers

- 1.17 An “Officer” is any person who works for or with the council to deliver services. It can include employees, contractors, consultants, agency staff and volunteers. Officers advise and support Members, implement their decisions and manage the day-to-day delivery of services. Most decisions and actions taken by the council are taken by Officers under the Council’s arrangements for delegation of powers.
- 1.18 Some Officers have specific legal duties to ensure that the Council acts within the law and uses its resources wisely. These officers are known as “Statutory Officers” or “Proper Officers” and have specific legal titles in addition to their normal job titles.

The Constitution

- 1.19 The Council is legally required to have a Constitution. This sets out how the Council operates, how decisions are made and the Council’s procedures. The Council follows its procedures so that decisions are taken in an efficient, transparent and accountable way. Some of these procedures are required by law whilst others are a matter of choice for the Council.
- 1.20 The Constitution may be amended by Full Council or the Monitoring Officer from time to time.

Part One - Your Council

Section B - Principles of Decision Making

This Section explains how the Council makes decisions.

Our Core Objective

- 1.1 Our core objective in decision making is for decisions to be made either at the most appropriate level closest to the local or immediate point of service delivery, or at the level that is closest to those who will be affected by the decision in question.

Principles of Decision Making

- 1.2 When making decisions Members and Officers must observe the following principles and controls.
- 1.3 All Members and Officers must familiarise themselves with these controls and principles. They must be satisfied that they comply with them every time they make a decision. They must also be able to demonstrate this.

The Correct Decision Maker

- 1.4 Each decision must be made by the most appropriate person or body who has authority to make the decision.
- 1.5 Certain decisions must be made either by Full Council or its committees, whilst others are made by Cabinet. You can find out more information about which body is responsible for making decisions in Part X of this Constitution. Decisions may also be delegated to Officers. More information about delegations can be found in Part X of this Constitution.
- 1.6 Occasionally it may be unclear who has authority to make a decision. When this happens, the Legal Service must provide advice.

Avoiding Conflicts of Interest and Bias

- 1.7 Individual decision makers should avoid potential or perceived conflicts of interest. They should also observe the rules that govern interests and pre-determination.

Best Interests and Best Value

- 1.8 Decision makers must act in the best interests of the communities of the London Borough of Hackney. They should take the option that will deliver the best value for money and will result in the most effective and efficient use of resources.

Compliance with the Law, Guidance and Codes of Practice

- 1.9 All decisions must be made in accordance with the law, including ensuring that any procedural steps are followed. In addition, decision makers must have regard to any guidance and codes of practice that may apply. Where the decision maker is affiliated to a professional body that operates a code of conduct and sets professional standards, they must also comply with these.

The Budget and Policy Framework

- 1.10 All decisions must be made in accordance with the Budget and Policy Framework set by Council. This includes Directorate and Service budgets, business plans and any other policies, arrangements, procedures, rules, practices or protocols that are in force. These are set out in Part X of this Constitution.
- 1.11 If any decision maker proposes to make a decision which is, or which the Monitoring Officer or Chief Finance Officer advise is, not in accordance with the Budget and Policy Framework then that decision must (unless any exceptions set out by Council apply) be referred to the Council. More information on the Budget and Policy Framework, including the Finance and Contract Procedure Rules, is set out in Part X of this Constitution.
- 1.12 The Scrutiny Panel also has powers in respect of decisions which have or will be made which they consider to be contrary to the Budget and Policy Framework. These powers include requiring reports in respect of decisions made or to suspend, subject to review, decisions that are yet to be made. More information on the Scrutiny Panel's powers is set out in Part X of this Constitution.

Considering Options and Impacts

- 1.13 Decision makers must identify and evaluate any options that may be available. They need to assess the likely impacts of each option, with particular regard to human rights and the public sector equality duty.

Sustainability and Climate Change

- 1.14 Decision makers must consider the impact of the proposed decision on sustainability and climate change taking into account the Council's declared climate emergency.

Consultations

- 1.15 Decision makers must ensure that any consultations are properly undertaken in accordance with relevant law and guidance.

Evidence Based Decisions

- 1.16 Decision makers must make rational, evidence based decisions, taking into account all relevant considerations. Decision makers must provide proper reasons for their decisions.

“Judicial” Decisions

- 1.17 Decision makers acting in a 'judicial' capacity, for instance when determining appeals, must observe the principles of “natural justice”.
- 1.18 Natural justice requires that a fair, reasonable and transparent decision making procedure is followed. All parties must be afforded a fair opportunity to make representations. Procedures followed should eradicate any bias or conflict of interests (as far as possible) and full reasons for decisions should be given and recorded. Decision makers must ensure that they take all relevant information into account and disregard any information, considerations or circumstances that are not relevant to the matter that has to be decided.

Openness and Transparency in Decision Making

- 1.19 Most meetings where decisions are made will be held in public. Further information on meetings that are held in public and meetings that are not is set out in Part x. Decision makers need to understand and comply with these requirements.
- 1.20 All decision makers need to ensure that the processes they follow are as open and transparent as possible, particularly when decisions are made by individuals or in meetings that are not open to the public. The aims, outcomes,

options and assessed impacts, who was consulted (and when and how they were consulted), what information was taken into account and the reasons for decisions must be clear.

Notice of Decisions and Meetings and Record Keeping

- 1.21 An important part of ensuring openness and transparency in decision making is making sure that appropriate notice is given that decisions are going to be taken, and that appropriate records are kept of decisions taken and the reasons for them.
- 1.22 The nature of any notice or decision record required will depend on the type of decision in question and is, in most cases, a matter of judgement for the decision maker. There are, however, particular requirements for certain types of decisions.

Decision Reports

- 1.23 Formal reports are used to record all decisions taken by Council, Cabinet and Committees.
- 1.24 Every report will list those documents (called background papers) relating to the subject matter of the report which:
- disclose any facts or matters on which the report or an important part of the report is based; and
 - which have been relied on to a material extent in preparing the report
- 1.25 In addition, all reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation.
- 1.26 Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.
- 1.27 Group Directors may initiate reports on any matter where they believe the Council, Cabinet, committee or sub-committee should make a decision or should be informed.
- 1.28 Where such a report affects another Service, the appropriate Group Director must be consulted. The appropriate Cabinet member shall be consulted prior to the publication of a Cabinet report which concerns their portfolio.

1.29 Reports shall communicate all relevant factual information and professional opinions, together with appropriate recommendations.

DRAFT

Part One - Your Council

Section C - Citizens' Rights and Responsibilities

This Section explains some of the rights and responsibilities of citizens. The word "Citizen" is used in this document to describe everyone who lives or works in the London Borough of Hackney.

Citizen's Rights

- 1.1 Citizens have a number of rights when receiving services from the Council, for example when making planning or licensing applications or seeking housing benefit. These rights are not covered in this Constitution. Citizens can get advice about these rights from the relevant Council department, the Citizens' Advice Bureau or a solicitor.
- 1.2 Citizens have the right to:-
 - vote at local elections and referenda if they are registered as an elector on the electoral roll;
 - contact their local Councillor about any relevant matters of concern to them;
 - obtain a copy of the Constitution;
 - find out, from the Cabinet's Executive Decisions and Key Decisions Notice ("EMKDN"), what major decisions decided by the Cabinet or by Officers and when;
 - attend meetings of the Cabinet, particularly where key decisions are being discussed or decided, except where, for example, personal or confidential matters are being discussed;
 - attend meetings of the Council, and its committees, except where, for example, personal or confidential matters are being discussed;
 - see reports and background papers and any record of decisions made by the Council and the Cabinet;
 - petition to request a referendum on a change in the Council's governance arrangements;
 - contribute to investigations by the Scrutiny Commissions;
 - complain to the Council about a problem with a Council service;
 - complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should do this only after using the Council's own complaints procedure.
 - complain to the Council's Monitoring Officer if they have evidence which they think shows that an elected member or co-optee has not followed the Council's Code of Conduct;
 - inspect the Council's accounts and make their views known to the external auditor.

- submit petitions or form a deputation;
- participate in Ward Forums; and
- respond to any consultation issued by the Council.

Citizen's Responsibilities

1.3 Being a Citizen also carries with it a number of responsibilities:

- assisting the Council with the compilation of the electoral register;
- exercising their right to vote in local, regional and national elections;
- respecting and valuing the diversity of communities which make up the London Borough of Hackney;
- treating other Citizens with respect;
- meeting their obligations in relation to the Council by paying any rent, Council Tax, National Non-Domestic Rates or other charges which are owed to the Council;
- ensuring that their children attend school.

1.4 Citizens are expected to conduct themselves in an appropriate and respectful manner and must not

- engage in violent, abusive or threatening behaviour or language to anyone, including elected members and officers of the Council;
- use language or make statements that are racist, derogatory or offensive;
- cause damage to Council property or property owned by elected members and officers of the Council.

This page is intentionally left blank

Part Two - Articles of the Constitution

Article 1 - The Constitution

Powers of the Council

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

The Constitution

- 1.2 This Constitution, and all its appendices, is the Constitution of the London Borough of Hackney.

Purpose of the Constitution

- 1.3 The purpose of the Constitution is to:
- enable the Council to provide clear leadership to the community in partnership with Citizens, businesses and other organisations;
 - support the active involvement of Citizens in the process of local authority decision-making;
 - help Councillors to represent their constituents effectively;
 - enable decisions to be taken efficiently and appropriately;
 - create a powerful and effective means of holding decision-makers to public account;
 - ensure that no one will review or scrutinise a decision in which they were directly involved;
 - ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
 - provide a means of improving the delivery of services to the community.

Interpretation and review of the Constitution

- 1.4 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option which it thinks is closest to the purposes stated above.
- 1.5 Full Council will monitor and evaluate the operation of the Constitution.

Part Two - Articles of the Constitution

Article 2 - Citizens

Council responsibilities

2.1 The Council recognises and values the rich cultural diversity of the citizens who work, live or study in the borough and is committed to working in partnership with the communities of Hackney to improve existing services and develop new services to meet their needs. The Council will aim to achieve this by: -

- Working in partnership with the following groups:
 - The Community Strategy Partnership
 - Tenants' and Residents' Associations
 - Voluntary sector and community groups
 - Local business organisations and relevant partners
- Consulting all sections of the community on matters that affect them. The Council will use a variety of methods to consult with the community.
- Listening to the views of all sections of the community and developing more effective ways of working with local people, particularly those in hard to reach groups such as young people and global majority ethnic communities;
- Respecting the Citizens of the borough, and valuing and promoting the cultural and economic diversity of the borough.

Citizens' rights

2.2 Citizens' rights are set out in Part One, Section C of this Constitution. Further information on the rights of Citizens to obtain information is set out in Part X of this Constitution.

Citizens' participation in Council business

2.3 The Council is committed to supporting Citizens in contributing to the Council's decisions.

2.4 Citizens have the right to:

- ask questions of the Elected Mayor, Cabinet Councillors and Mayoral Advisers at Full Council and Cabinet meetings;
- speak on agenda items at Planning Sub-Committee and Licensing Sub-Committee meetings
- contribute to the work of the Scrutiny Panel and Commissions;

- form part of a deputation to a Full Council or Cabinet meeting in accordance with the rules set out in Part X of this Constitution;
- participate in Ward Forums;
- participate in Enhanced Tenants Residents Associations when acting as open forums;
- take up one or many roles such as a co-opted member;
- respond to consultation in writing or by participating in a focus group or stakeholder group, or by attending a roadshow.
- present petitions in accordance with the Council's Petition Scheme set out at Part X of this Constitution. Citizens on the electoral register may also present a petition to request a referendum to change the Constitution.
- submit an expression of interest on behalf of a voluntary or community body to provide, or to assist in providing, a relevant service on behalf of the Council; and
- nominate, on behalf of a voluntary or community body, land of community value to be included on the Council's list of assets of community value.

Complaints

2.5 The views of Citizens about how the Council is performing are important and valued by the Council.

2.6 Citizens have the right to:

- write to the Elected Mayor and Ward Councillors;
- make a formal complaint using the complaints procedure;
- make a complaint to the Ombudsman after using the Council's own complaints scheme;
- complain in writing to the Monitoring Officer about a breach of the Members Code of Conduct.

Citizens responsibilities

2.7 The responsibilities of Citizens are set out in Part One, Section C of this Constitution.

Part Two - Articles of the Constitution

Article 3 - Members of the Council

Composition and eligibility

3.1 **Composition** - The Council comprises the Elected Mayor and 57 Councillors. Councillors will be elected by the voters in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.

3.2 **Eligibility** – To stand for election as Elected Mayor or Councillor you must:

- be at least 18 years old;
- be a British citizen, an eligible Commonwealth Citizen or a citizen of any member state of the European Union;

You must also meet one of the following four qualifications

- you are, and will continue to be, registered as a local government elector for the borough from the day of your nomination onwards;
- you have occupied, as owner or tenant, any land or premises in the borough for the whole of the 12 month period before the day of nomination and the day of election;
- your main or only place of work has been in the borough for the whole of the 12 month period before the day of nomination and the day of election
- you have lived in the borough during the whole of the 12 month period before the day of nomination and the day of election

A person cannot hold office as both the Elected Mayor and Councillor. If you are in any doubt about whether you are eligible to stand as a Councillor, you should contact the Council's Electoral Services department for advice.

Election and terms of office of Councillors

3.3 The local election of Councillors will usually be held on the first Thursday in May every four years. 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 local election unless they die, are disqualified or resign.

Groups

3.4 The political party, or combination of parties, with the largest number of members shall form the Majority Group.

3.5 The political party, or combination of parties, with the largest number of members who are not members of the Majority Group shall form the Principal

Opposition Group. In the event of two parties having equal numbers of members following an election, the Principal Opposition Group will be the incumbent Opposition Group. Other political parties will be Minority Opposition Groups.

Rights and responsibilities of Members

3.6 The Elected Mayor and all Councillors will:

- act collectively as ultimate policy-makers;
- communicate the Council's work and role to Citizens and promote their understanding of the Council's work;
- represent and become advocates for their communities and, having regard to the rich cultural diversity of the borough, bring their views into the Council's decision-making process;
- contribute to the good governance of the area and actively encourage community participation and Citizen involvement in decision making;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests identified within the ward and borough and represent the ward and borough as a whole; dealing with these interests with integrity and with regard to the Code of Conduct contained in Part X of the Constitution;
- be involved in decision-making;
- be available to represent the Council on other bodies;
- maintain the highest standards of conduct and ethics;
- have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- not make public information which is confidential or exempt without the consent of the Council
- not divulge information given in confidence to anyone other than a Councillor or Officers entitled to know it;
- be entitled to join a political group of their choice; and
- be called a member of a party group, providing the requirements of section 15 of the Local Government Act 1989 are complied with which requires that a party group must consist of at least two Councillors.

Rights and responsibilities specific to non-executive Members

3.7 In addition to the other rights and responsibilities set out above, non-executive Members have the right to:

- act as a check and balance on the powers and actions of the Elected Mayor and Cabinet through serving as a member of the Scrutiny

- Panel and Scrutiny Commissions, providing that any rules on political balance which apply to that Panel or Commission are maintained;
- call-in any decision of the Cabinet which is capable of being called in as set out in Part X of the Constitution;
 - call an extraordinary Full Council meeting as set out in Part X of the Constitution;
 - serve as a member of any non-executive Committee, providing that any rules on political balance which apply to that Committee are maintained;
 - ask a question on a report to the Cabinet or introduce a deputation
 - receive agendas, minutes and reports of meetings of the Cabinet as set out in Part X of the Constitution.

Election of the Mayor

- 3.8 The ordinary election of the Elected Mayor will be at the time of the local Council elections. The term of office of the Elected Mayor will be 4 years. They will take office on the fourth day after their election and will continue in office until the fourth day after their successor is elected, unless they die, are disqualified or resign.

Role of the Elected Mayor

- 3.9 The Elected Mayor shall, in addition to the rights and responsibilities for all Councillors contained in Article X above, carry out the roles and functions contained in Article X.

Conduct

- 3.10 Councillors and the Elected Mayor must comply with the requirements of the Councillors Code of Conduct and observe the Protocol for Member/Officer Relations as set out in Part X of this Constitution.
- 3.11 Members of the Licensing Committee and Planning Sub-Committee must also comply with the requirements of the Licensing and Planning Codes of Practice respectively.

Allowances

- 3.12 Councillors and the Elected Mayor will be entitled to receive allowances in accordance with the Members Allowances Scheme set out in Part X of this Constitution.

Part Two - Articles of the Constitution

Article 4 - Full Council

Role of Full Council

- 4.1 Full Council comprises the Elected Mayor and the 57 Councillors who represent the areas of the London Borough of Hackney, called wards.
- 4.2 Full Council determines the Council's policy framework and budget, and agrees the strategic direction for the Council which is then implemented by Cabinet and monitored by Overview and Scrutiny. Further explanation of the term budget policy and framework is set out in Part X of this Constitution.
- 4.3 The Full Council meeting is the assembly, where Councillors speak up for and on behalf of their constituents. It is an opportunity for deliberation and political debate on issues of concern on which the Council should express a view, and also an opportunity for Councillors from all political parties to come together as the elected voice of the borough.
- 4.4 Full Council meetings provide the opportunity for Citizens to engage and hold the Elected Mayor and Councillors to account by asking questions and making deputations as set out in Part X of this Constitution.
- 4.5 The frequency of the meetings of Full Council is determined at the Annual Meeting.

Functions of Full Council

- 4.6 The following functions will be exercised by Full Council only: -
 - adopting and changing the Constitution in accordance with Article X;
 - approving or adopting the policy framework, the annual Council Tax requirements, the Council's budget and any application to the Secretary of State in respect of any housing land transfer;
 - making decisions about any matter relating to the discharge of an executive function covered by the policy framework or budget, where the Cabinet is minded to make a decision in a manner which would be contrary to the policy framework or contrary or not wholly in accordance with the budget;
 - establishing Committees, Panels, Boards and Commissions (other than Cabinet Committees), agreeing their terms of reference, making appointments to them subject to the legal rules regarding proportionality between the different political parties and appointing the Chair and Vice-Chair;
 - appointing representatives to outside bodies, unless the appointment is a decision of the Executive, or, has been delegated by Full Council;

- adopting or revising the Members' Allowances Scheme;
- changing the name of the area or any part of the area;
- conferring the title of Honorary Freeman or granting the Freedom of the Borough;
- considering petitions which are referred to Full Council under the Petition Scheme;
- confirming the appointment, dismissal, redundancy or early retirement of the Head of Paid Service;
- confirming appointments to the roles of Chief Finance Officer and Monitoring Officer;
- determining the level of disciplinary action or dismissal of specified statutory senior officers;
- adopting a Code of Conduct for members;
- appointing the Independent Person;
- approving the annual Pay Policy Statement which includes details of the pay of Chief Officers; the pay of the Council's lowest paid employees, and the relationship between the pay of Chief Officers and the pay of its employees who are not Chief Officers;
- making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the makings of local legislation or personal bills;
- all local choice functions as set out in Part 3 of this Constitution which Full Council has decided should be undertaken by itself rather than by Cabinet, a Committee, a Sub-Committee or an officer; and
- all other matters which by law must be reserved to Full Council.

Policy framework

4.7 The policy framework documents, plans and strategies shall consist of the following:

a) **Mandatory (as required by law)**

Local Transport Plan under section 108(3) Transport Act 2000

Local Development Framework and Local Area Action Plans under section 15 Planning and Compulsory Purchase Act 2004

Licensing Authority Policy Statement under section 5 Licensing Act 2003

Gambling Policy Statement under section 349 Gambling Act 2005

Crime & Disorder Reduction Strategy under sections 5 and 6 Crime and Disorder Act 1998

Youth Justice Plan under section 40 Crime and Disorder Act 1998

b) **Discretionary (as recommended by the Secretary of State)**

Corporate Plan

c) **Discretionary (as decided by Full Council)**

Housing Strategy

Equalities Statement

4.8 The policy framework plans and strategies will vary, from time to time in response to legislation. Any change to the framework which is necessary because of a change in legislation will be incorporated into this Constitution by the Monitoring Officer without the need for the agreement of Full Council.

Budget

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

Housing Land Transfer

4.10 A 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 (as amended) or the disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Full Council meetings

4.11 There are three types of Full Council meetings:

- i) The Annual General Meeting
- ii) Ordinary meetings
- iii) Extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules as set out in Part X of this Constitution.

Responsibility for functions

- 4.12 The Monitoring Officer will maintain the tables in Part X of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Elected Mayor and Cabinet. Any change to the functions arising from a change in legislation will be incorporated into this Constitution by the Monitoring Officer without the need for the agreement of Full Council.

DRAFT

Part Two - Articles of the Constitution

Article 5 - The Executive (known as the Elected Mayor and Cabinet)

- 5.1 In accordance with the Local Government Acts, and following a local referendum, the Council operates under an Elected Mayor and Cabinet.
- 5.2 The Elected Mayor and Cabinet shall carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. This is explained further in paragraphs 5.4 and 5.5 below. The Elected Mayor and Cabinet shall also be responsible for exercising the general power of competence conferred by the Localism Act 2011.

Form and composition

- 5.3 The Cabinet will consist of the Elected Mayor together with at least 2, but not more than 9, Councillors appointed to the Cabinet by the Elected Mayor. One of the appointed Councillors will be Deputy Mayor as defined by legislation, known as the statutory Deputy Mayor. The Elected Mayor will advise the Annual Meeting who they have nominated to the Cabinet and who has been appointed to be the statutory Deputy Mayor.

Role and functions of the Elected Mayor

- 5.4 The Elected Mayor is entitled to carry out all of the Council's executive functions and retains this entitlement whether they choose to delegate any or all of these functions. The Elected Mayor may choose to delegate functions to be carried out by the Cabinet collectively, or by a member of the Cabinet, or by a committee of the Cabinet, or by an Officer of the Council.
- 5.5 The precise nature of the Elected Mayor's role and functions will depend on the choice of the office holder and their policies but will include the following:
- i) to give overall political direction to the Council and, in drawing up policies for the Council, seek to balance the interests of the diverse community;
 - ii) to set priorities that contribute to the life and development of the borough;
 - iii) to appoint the Cabinet and the statutory Deputy Mayor;
 - iv) to determine a scheme of delegation for executive functions;
 - v) to chair meetings of the Cabinet;
 - vi) to represent the Council on such external bodies as they decide;
 - vii) to represent the interests of Hackney to the government and other partners and stakeholders;

- viii) to promote and improve the economic, social and environmental well-being of Hackney and its inhabitants;
- ix) to have regard to sustainable development principles in the policies that they and the Council promote;
- x) to lead and speak for Hackney as the principal public spokesperson and act as a champion for the whole borough;
- xi) to promote the rich cultural diversity of Hackney as one of the key strengths of the borough;
- xii) to ensure the Council is an effective partner to other agencies in the development of Hackney;
- xiii) to be accessible to Citizens when carrying out their duties;
- xiv) to act with the highest degree of integrity in accordance with the Councillor Code of Conduct;
- xv) to take action in emergencies in consultation with the Chief Executive.

The Elected Mayor as a member of Full Council

5.6 The Elected Mayor will be treated as a member of Full Council unless the law or context requires otherwise. In particular the Elected Mayor:

- i) is subject to the same rules about qualification and disqualification as any Councillor;
- ii) must follow the rules about disclosure of interests and comply with the Councillor Code of Conduct set out in Part X of this Constitution;
- iii) may be a member of, attend and speak at any meeting of Full Council, its committees and sub-committees, except the Standards Committee and the Scrutiny Panel and Commissions. The Elected Mayor may, however, be invited to address the Standards Committee and the Scrutiny Panel and Commissions;
- iv) is subject to the Members' Allowances Scheme set out in Part X of the Constitution; and
- v) is subject to the same rules about casual vacancy as apply to all Councillors.

The title of Mayor may only be used by the Elected Mayor.

Inability of the Elected Mayor to act

5.7 If for any reason the Elected Mayor is unable to act, or the office of the Elected Mayor is vacant, the statutory Deputy Mayor will act in their place until either the Elected Mayor is able to act or an election has been held.

5.8 If both the Elected Mayor and statutory Deputy Mayor are unable to act or their offices are vacant at the same time, then Cabinet must act in the Elected Mayor's place, or arrange for a Councillor of the Cabinet to do so.

- 5.9 Where the Elected Mayor and statutory Deputy Mayor are unable to act because of suspension from office or because they are unfit to act on health grounds, then an interim Elected Mayor may be appointed by Full Council and the provisions of Regulation 47 Local Authorities (Cabinet and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 will apply.

The Cabinet

- 5.10 **Composition** – Only Councillors may be appointed to the Cabinet. Cabinet Councillors cannot have deputies or substitutes. Neither the Speaker nor Deputy Speaker of the Council may be appointed to the Cabinet. Councillors of the Cabinet may not be members of the Scrutiny Panel or a Scrutiny Commission.
- 5.11 **Term of office** – Councillors of the Cabinet will hold office until their appointment is terminated by the Elected Mayor, they resign from the Cabinet or they are no longer a Councillor.
- 5.12 **Appointment by the Elected Mayor** – Subject to Article 5.3, the size and composition of the Cabinet will be solely a matter for the Elected Mayor to decide. They may choose to appoint Councillors from any political group or those not in a political group. The Cabinet need not reflect the political balance of the Council as a whole. The Elected Mayor will report their appointments to Full Council at the Annual Meeting.
- 5.13 **Removal from office** – the Elected Mayor will notify the Monitoring Officer and the next Full Council meeting of any changes to the Councillors appointed to the Cabinet.
- 5.14 **Inability of the whole Cabinet to act** – If all the Councillors of the Cabinet are unable to act for any reason, then Full Council will appoint an Interim Cabinet to discharge the relevant executive functions.

Cabinet Committees

- 5.15 **Cabinet Procurement and Insourcing Committee (CPIC)** – The Committee has been authorised by Cabinet to give detailed consideration on all issues relating to procurement practice and policy and to award all high-risk contracts.
- 5.16 **Corporate Parenting Board (CPB)** – The Board is an advisory committee of Cabinet and oversees the implementation of the Corporate Parenting Strategy and Action Plan and monitors the quality and effectiveness of services to

ensure they fulfil the Council's responsibilities and achieve good outcomes for children in care.

- 5.17 **Hackney Integrated Commissioning Board** – The Committee has been authorised by Cabinet to make decisions and manage pooled funds with the Integrated Commissioning Board in accordance with the Boards's terms of reference and schemes of delegation

Detailed terms of reference for these committees and boards are set out in Part X of this Constitution.

Proceedings of Cabinet

- 5.18 Proceedings of Cabinet meetings shall take place in accordance with the Cabinet Procedure Rules set out in Part X of this Constitution.

Responsibility for functions

- 5.19 The Elected Mayor will advise the Annual Meeting of their scheme of delegation. The scheme of delegation will set out which individual Councillors of the Cabinet, Committees, Officers or joint arrangements are responsible for the exercise of particular Cabinet functions. The Elected Mayor will notify the Monitoring Officer of any changes to the scheme within 48 hours of changes being coming into effect.

Deputy Mayor

- 5.20 **Appointment** - At the first Annual Meeting of Full Council after an election, the Elected Mayor will appoint one of the Councillors of the Cabinet to act as the statutory Deputy Mayor.
- 5.21 **Term of office** – The statutory Deputy Mayor will hold office until the end of the Elected Mayor's term of office, unless they resign from the Cabinet or the office of Councillor, they resign as statutory Deputy Mayor, or are removed by the Elected Mayor from the office of statutory Deputy Mayor.
- 5.22 **Duties of the Deputy Mayor** – The Deputy Mayor, as referred to in paragraph 5.3 above, will deputise for the Elected Mayor or act in their absence and in this capacity will exercise all of the powers of the Elected Mayor. The Deputy Mayor will also serve on any bodies and undertake any tasks, or hold any positions or responsibility assigned to them by the Elected Mayor.
- 5.23 **Removal from office** – The Elected Mayor will notify the Monitoring Officer and the next Full Council meeting if they have appointed a new Deputy Mayor.

Mayoral Advisors

- 5.24 The Elected Mayor may appoint any number of Mayoral Advisors who may attend and contribute to meetings of the Executive. Mayoral Advisors will be given a brief by the Elected Mayor to support the duties of the Elected Mayor, and will be entitled to receive an allowance in accordance with the Members' Allowance Scheme set out in Part X of this Constitution.
- 5.25 Mayoral Advisors shall have no voting rights at Cabinet Meetings.
- 5.26 The Monitoring Officer will maintain a list of Mayoral Advisors as notified by the Elected Mayor from time to time.

DRAFT

Part Two - Articles of the Constitution
Article 6 - The Speaker & Deputy Speaker

- 6.1 The Speaker and Deputy Speaker are elected at the Annual Council meeting and act as the Council's civic ambassadors. The Speaker is the London Borough of Hackney's 'First Citizen'.
- 6.2 The Speaker, and in their absence, the Deputy Speaker, has the following responsibilities:
- i) together with the Elected Mayor, to promote the Council as a whole and act as a focal point for the community;
 - ii) to promote public involvement in the Council's activities;
 - iii) to attend such civic and ceremonial functions as the Council and Elected Mayor determine appropriate;
 - iv) to be the guardian of the democratic process of the Council and the rights laid out in the Constitution;
 - v) to uphold and promote the purposes of the Constitution and to interpret the Constitution on the advice of the Monitoring Officer, when necessary;
 - vi) to preside over meetings of the Full Council so that its business can be carried out efficiently, and having appropriate regard to the rights of elected members and the interests of the community;
 - vii) to ensure that Full Council meetings are a forum for a debate of matters of concern to the local community, and at which Councillors who are not Councillors of the Cabinet are able to hold the Cabinet to account;
 - viii) to be the Councillor with primary responsibility for twinning with other places which reflect the diversity of the borough. To take the lead, to support and participate in any twinning events or functions with other boroughs, organisations or individuals and promote new twinning arrangements.
- 6.3 Chains of Office will only be worn by the Speaker and Deputy Speaker when carrying out civic and ceremonial duties. No other elected member will wear Chains of Office.

Part Two - Articles of the Constitution

Article 7 - Overview and Scrutiny

The Scrutiny Panel and Scrutiny Commissions carry out the Council's overview and scrutiny function and are set up to hold the Elected Mayor and Cabinet to account. The role of scrutiny is non-adversarial and non-partisan. The Scrutiny Panel and Commissions act as a critical friend and provide challenge to decision makers at the Council as well as external agencies.

7.1 The Council must appoint at least one Overview and Scrutiny Committee to:

- i) hold the Elected Mayor and Cabinet to account by examining executive decisions that are about to be made, decision which have been made but not yet implemented (known as the call-in process); and decision which have been implemented (post-hoc review);
- ii) review policy framework documents and policies more generally and make suggestions for improving them;
- iii) contribute to continuous improvement of service delivery by considering performance, participation by Citizens in the functions delivered by the service, value for money reviews and budget investigations;
- iv) review and make recommendations on the discharge of regulatory functions;
- v) consider and make recommendations to Full Council and external partner stakeholder organisations on matters which have a direct bearing on the economic, social or environmental well-being of Citizens;
- vi) in the case of the Health in Hackney Scrutiny Commission, to review and scrutinise matters relating to the health service in the Council's area and to prepare reports and make recommendations in accordance with any Regulations and Directions made under the Health and Social Act 2001. The Health in Hackney Scrutiny Commission may, from time to time, decide to appoint a Joint Health Scrutiny Committee involving one or more other local authorities;
- vii) in the case of the Living in Hackney Scrutiny Commission, to review and scrutinise decisions made, or actions taken, by the Council or any responsible authority relating to crime and disorder. To prepare reports or make recommendations to Full Council and to provide copies to the responsible authorities and any co-operating persons and bodies in accordance with the Police and Justice Act 2006;
- viii) request information from relevant external partner authorities, invite interested parties to comment as appropriate and make recommendations.

- ix) consider any referral by a Councillor under the Councillor Call for Action, and if considered appropriate to scrutinise decisions and/or actions taken in relation to a matter;
- x) consider matters referred to in accordance with the Council's Petition Scheme as set out in Part X of this Constitution

7.2 The Scrutiny Panel and Commissions may make recommendations arising from such work to the Cabinet, Full Council and external partner / stakeholder organisations.

Attendance by Elected Mayor, Cabinet Councillors and other persons

7.3 The Scrutiny Panel and Commissions may require the Elected Mayor, Cabinet Councillors or Chief Officers to attend meetings of the Panel or Commissions to answer questions and may invite other persons to attend meetings of the Commissions.

7.4 The Elected Mayor, Cabinet Councillors or Chief Officers shall comply with any requirement to attend a meeting.

7.5 A Councillor must not be involved in scrutinising a decision in which they were directly involved.

7.6 A person is not obliged to answer any question. In addition a person is entitled to refuse to answer any question where the topic under discussion is the subject of legal proceedings.

Role and Function of the Scrutiny Panel

7.7 The Council shall appoint a Scrutiny Panel to coordinate and oversee the work of the Scrutiny Commissions.

7.8 The Scrutiny Panel will be responsible for establishing task-finish scrutiny panels and for considering a request made by any 5 non-executive Members for the call-in of a cabinet decision or a decision of the Joint committee of the Six Growth Boroughs. The Scrutiny Panel's terms of reference are set out in Part X of the Constitution.

7.9 The Scrutiny Panel shall comprise 9 Members, who cannot be Members of the Cabinet. It shall include the Chairs and Vice-Chairs of the Scrutiny Commissions.

7.10 The Scrutiny Panel's Chair shall be a member of the Majority Group. Chairs of the Scrutiny Commissions are not eligible for the position of Chair of the Scrutiny Panel. The Vice-Chair of the Panel should be a member of the larger opposition party.

7.11 The Scrutiny Panel may invite the Elected Mayor and the Deputy Mayor to attend meetings of the Panel to assist in considering the scrutiny work programme, and how the Elected Mayor and Deputy Mayor can participate in the Panel’s work programme. The Scrutiny Panel may also invite the Chairs of the Audit and Corporate Committees to assist in discharging the functions of the Panel.

Role and function of the Scrutiny Commissions

7.12 Full Council will appoint the following Scrutiny Commissions:

Commission	Scope
Living in Hackney Scrutiny Commission	Quality of life in local communities covering neighbourhoods, place, wellbeing and amenities.
Skills, Economy and Growth Scrutiny Commission	Prosperity of the borough and development, in particular economic development, employment and large-scale schemes.
Health in Hackney Scrutiny Commission	Health Services, Adult Social Services, Older People
Children and Young People’s Scrutiny Commission	Children and Young People

7.13 The Children and Young People Scrutiny Commission shall include in its membership the following voting representatives: -

- one London Diocesan board for Schools (Church of England) representative;
- one Roman Catholic Westminster Diocesan Schools Commission representative;
- two parent governor representatives: and the following non-voting representatives;
- one Orthodox Jewish community representative;
- one representative from the North London Muslim Community Centre;
- one representative from the Free Churches Group;
- one representative from the Hackney Schools Governors’ Association; and
- up to five representatives from the Hackney Youth Parliament.

7.14 Within their terms of reference, the Scrutiny Commissions may:

- i) develop a rolling programme of scrutiny and review which shall be reviewed on a quarterly basis;
- ii) Have oversight of the Community Strategy for the purpose of contributing to policy development;
- iii) review and / or scrutinise decisions or actions relating to the discharge of the Council's functions within its terms of reference, which may include reviewing decisions before they have been taken (policy development) or after they have been implemented (post-hoc review);
- iv) consider a request made by any 5 non-executive Members for the call-in of a Cabinet decision where the request is referred to the Commission;
- v) make reports and / or recommendations to the Cabinet for possible forwarding to Full Council and/or the Cabinet, and/or Corporate Committee and/or any Ward Forum with the discharge of any Council functions; and
- vi) exercise responsibility for any resources made available to them.

Specific functions of Scrutiny Commissions

7.15 The specific functions of the are: -

Policy Development and Review

- to assist Full Council and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues;
- to conduct research and consult with the community on policy issues and options available to the Council;
- to liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- to consult or question Councillors of the Cabinet and Chief Officers about their views on issues and proposals affecting the area.

Scrutiny

- to review and scrutinise executive decisions made by the Elected Mayor, the Cabinet, by an individual Councillor of the Cabinet, by a Committee of the Cabinet, or by an Officer of the Council;
- to review and scrutinise the work of the Council in relation to its policy objectives, performance targets and / or particular service areas;
- to question Councillors of the Cabinet and Chief Officers about their decisions and the performance of the services for which they are responsible, whether generally in comparison with service plans and

targets over a period of time or in relation to particular decisions initiatives or projects;

- for the Health in Hackney Scrutiny Commission, to carry out health Scrutiny in accordance with Section 244 Regulations under that section of the National Health Services Act 2006 (as amended by the Local Government and Public Involvement in Health Act 2007 and the Health and Social Care Act 2012 relating to reviewing and scrutinising local health service matters). Where the proposal relates to more than one local authority area, it must be considered by a Joint Health Scrutiny Committee appointed by each of the local authorities in question;
- for the Living in Hackney Scrutiny Commission, to discharge the functions conferred under the Police and Justice Act 2006;
- to make recommendations to Cabinet arising from the outcome of the scrutiny process for possible forwarding to Full Council;
- to review and scrutinise the performance of other public bodies in the area, invite them to address the Scrutiny Commission, and prepare reports about their initiatives and performance;
- to gather evidence from any person or organisation outside the Council;
- to consider referrals from Ward Forums and Enhanced Tenants Residents Associations and initiate reviews of issues as deemed appropriate.

Community Representation

- to promote closer links between Overview and Scrutiny Members and Citizens;
- to encourage an enhanced community representation role for Overview and Scrutiny Members including enhanced methods of consultation with local people;
- to liaise with the Council's Ward Forums and Enhanced Tenants Residents' Associations on matters that affect or are likely to affect the local area;
- to keep the Council's area-based governance arrangements under review and to make recommendations to the Scrutiny Panel, to the Cabinet and / or Full Council as to how participation in the democratic process by local people can be enhanced;
- to receive petitions, deputations and representations from local people and other stakeholders about matters of concern within the Scrutiny Commission's remit. Where considered appropriate, to refer them to the Cabinet, an appropriate Committee or Officer for action, with a recommendation for a report back if requested.

Developing the Work Programme

7.16 In developing their work programmes, the Scrutiny Commissions shall take into account the following:

- recommendations received from the Scrutiny Panel;
- cross-cutting items proposed by the Scrutiny Panel;
- petitions received from the public;
- the contents of the Executive Meetings and Key Decisions Notice (EMKDN);
- issues emerging from the ward / representational role of any Councillor;
- issues relating to Councillor Call for Action;
- referrals from Healthwatch Hackney relating to health and social care matters;
- referrals from any elected member on any matter within the remit of the Scrutiny Commission;
- referrals from any Councillor on a local crime and disorder matter;
- referrals from Full Council, the Cabinet or another Committee;
- issues which, whilst not the direct responsibility of the Council, have a direct bearing on the economic, social or environmental well-being of the borough's Citizens;
- issues relating to any Joint Overview and Scrutiny Committees.

Proceedings of Overview and Scrutiny

7.17 The Scrutiny Panel and Commissions will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part X of this Constitution

Part Two - Articles of the Constitution
Article 8 - The Standards Committee and Independent Person

Role of the Standards Committee

- 8.1 Full Council has established a Standards Committee which works to promote high standards of conduct of the elected and co-opted members within the Council. The proceedings of the Standards Committee are governed by the Council Procedure Rules set out in Part X of this Constitution.
- 8.2 The Committee shall comprise:
- i) the Cabinet Councillor who holds the ethical governance portfolio;
 - ii) eight non-executive Members; and
 - iii) up to six non-voting co-opted Members.
- 8.3 Full Council may not appoint a person as a non-voting co-opted member of the Standards Committee unless the appointment has been advertised in the local area and the appointee:
- i) has submitted an application to the Council;
 - ii) has been interviewed by the Monitoring Officer, or an Officer appointed by them;
 - iii) has not been a Councillor or Officer of the Council in the five years immediately preceding the appointment;
 - iv) is not a close relative or close friend of a Councillor or Officer of the Council;
 - v) has the ability to consider and evaluate information and arguments and reach sound, justifiable and fair conclusions based on that information;
 - vi) is independent of party politics; and
 - vii) is not currently a Councillor or Officer of another local authority.
- 8.4 Co-opted members are not entitled to vote at meetings of the Committee or its Sub-Committees.
- 8.5 The Standards Committee will operate within the terms of reference, as detailed in Part X of the Constitution.

Proceedings of the Standards Committee

- 8.6 Proceedings of the Standards Committee relating to complaints against Councillors shall take place in accordance with the requirements of the law.

Sub-Committees

- 8.7 The Committee may appoint Sub-Committees to determine complaints against the Elected Mayor and Councillors and/or to discharge any of its other functions.

Independent Person

- 8.8 Full Council will appoint an Independent Person in accordance with section 28 of the Localism Act 2011.

Role of the Independent Person

- 8.9 The Council's Monitoring Officer must seek and take into account the views of the Independent Person before making a decision whether to investigate a complaint about the conduct of an elected member or co-opted member.
- 8.10 The Monitoring Officer may consult the Independent Person on other matters not referred to in paragraph 8.9
- 8.11 An elected member or or co-opted member who is the subject of a complaint may consult the Independent Person.
- 8.12 The Independent Person, as part of an Independent Panel, has a role in providing Full Council with advice, views and recommendations on the proposed disciplinary action or dismissal of specified statutory senior officers in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Appointment of the Independent Person

- 8.13 Full Council may not appoint an Independent Person unless the appointment has been advertised in the local area and the appointee:
- i) has submitted an application to the Council;
 - ii) has been interviewed by the Monitoring Officer, or an Officer appointed by them;
 - iii) has not been a Councillor or Officer of the Council in the five years immediately preceding the appointment;

- iv) is not a close relative or close friend of a Councillor or Officer of the Council;
- v) has the ability to consider and evaluate information and arguments and reach sound, justifiable and fair conclusions based on that information;
- vi) is independent of party politics; and
- vii) is not currently a Councillor or Officer of another local authority.

8.14 The appointment of the Independent Person must be approved by a majority of Councillors at Full Council.

DRAFT

Part Two - Articles of the Constitution

Article 9 - Council Committees and Other Bodies

The following Committees / Boards help Full Council perform its functions. You can find their full terms of reference in Part X of this Constitution.

Appointments Committee

9.1 The Appointments Committee establishes Sub-Committees to appoint, discipline, dismiss and hear appeals from certain officers employed by the Council in line with the Officer Employment Procedure Rules. These are set out in Part X of this Constitution.

Audit Committee

9.2 The Audit Committee's responsibilities relate to the Council's risk management framework, internal financial and governance control and the integrity of financial reporting. The Audit Committee oversees internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Constitution Committee

9.3 The Constitution Committee is responsible for oversight of the Council's Constitution and may review and recommend amendments to the Constitution to ensure that it remains fit for purpose.

Corporate Committee

9.4 The Corporate Committee oversees the Council's regulatory functions, planning, elections and human resources. The Committee is also responsible for any other Council function that has not been specifically allocated to Full Council or any other committee.

9.5 The Corporate Committee establishes a Planning Sub-Committee for the purposes of determining planning applications in accordance with that Sub-Committee's terms of reference.

Health and Wellbeing Board

9.6 The Health and Wellbeing Board provides is a multi-agency partnership board under which the local authority, the Integrated Commissioning Board and other partners improve the commissioning of health and social care services and work towards improving the health of the local population. It has responsibility for the duties set out in the Health and Social Care Act 2012.

Licensing Committee

- 9.7 The Licensing Committee is responsible for licensing functions under the Licensing Act 2003 and the Gambling Act 2005 and other statutory licensing functions. The Committee is responsible for developing and monitoring the Council's licensing function, which includes making recommendations on the Council's licensing and gambling policies. It establishes Licensing Sub-Committees which are responsible for considering and deciding licensing applications.

Pensions Committee

- 9.8 The Pensions Committee acts as trustee of the Council's pension fund, in line with legislation. The Committee is responsible for monitoring performance of the fund, setting and reviewing strategic objectives and appointing administrators, advisers, investment managers and custodians.

Scrutiny Panel and Scrutiny Commissions

- 9.9 The Scrutiny Panel and Scrutiny Commissions help hold the Cabinet to account, assist with developing Council policies and scrutinise budgetary proposals.

Standards Committee

- 9.10 The Standards Committee is responsible for promoting and maintaining high ethical standards at the Council.
- 9.11 The Standards Committee has established two Sub-Committees, the Standards Assessment Sub-Committee and the Standards Hearing Sub-Committee which may be called upon to consider allegations of a breach of the Councillor Code of Conduct.

Pensions Board

- 9.12 The local Pensions Board is an advisory Board of the Council. It is responsible for ensuring compliance with local government pension scheme regulations and ensuring the effective and efficient governance and administration of the London Borough of Hackney Pension Fund.

Terms of reference

- 9.13 All Council Committees and Sub-Committees must operate in line with their terms of reference. You can find these in Part X of this Constitution.

Proceedings

- 9.3 Proceedings of the Committees and Sub-Committees must comply with the Council Procedure Rules set out in Part X of this Constitution.

DRAFT

Part Two - Articles of the Constitution

Article 10 - Ward Forums

Role and Function

- 10.1 The Council has 21 Wards. The Councillors in these Wards form bodies known as Ward Forums.
- 10.2 Ward Forums represent and promote the needs of the ward within the Council.
- 10.3 Ward Forums meet up to three times a year at venues within the ward and will look at issues which concern Citizens.
- 10.4 Ward Councillors lead Ward Forum meetings and they are supported by officers. Ward Councillors determine whether there will be specific roles for Citizens in managing the business of the Ward Forum.
- 10.5 Councillors can opt to hold joint Ward Forum meetings on a regular or case-by-case basis.

Delegation to Forums

- 10.6 Ward Forums have no delegated authority from the Cabinet or Full Council. They are not decision-making bodies.

Chair

- 10.7 Each Ward Forum is chaired by a Councillor, who is elected by the Councillors present.

Meetings

- 10.8 Each Ward Forum meets in public and each meeting is advertised in advance. The principal objectives of the meetings are to hear the views of Citizens to help improve the local area, and to agree actions that can be taken to address issues that arise. Councillors set the agenda of the Ward Forum in advance of the meeting.

Access to information

- 10.9 Ward Forums are not subject to the Access to Information Rules as set out in Part X of this Constitution.

Part Two - Articles of the Constitution

Article 11 - Joint Arrangements

Arrangements to promote well-being

- 11.1 The Council or the Cabinet may, in order to promote the economic, social or environmental well-being of its area:
- i) make arrangements or agreements with any person or body;
 - ii) co-operate with, facilitate or co-ordinate the activities of any person or body; and
 - iii) exercise on behalf of that person or body any of its functions.

Joint arrangements

- 11.2 The Council may establish joint arrangements with one or more local authorities and may authorise them to undertake Council functions or advise the Council in line with these arrangements. The arrangements may involve the appointing a joint committee with these other local authorities.
- 11.3 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. These arrangements may involve the appointing a joint committee with these other authorities. Cabinet may only appoint Cabinet councillors to the joint committee and appointments do not need to reflect the political composition of the Council as a whole.
- 11.4 When the Council is planning changes to the way they deliver health services which could be substantial and / or which extend beyond the borough, the Council may need to form a Joint Health Scrutiny Committee with other boroughs. It will then be able to consult with local providers and commissioners of health and social care services. This Committee would review and scrutinise issues relating to the health service and make reports and recommendations about them. The process by which this is established shall be agreed by the Health in Hackney Scrutiny Commission.
- 11.5 If there is an urgent need to establish a Joint Health Scrutiny Committee with other local authorities, the Monitoring Officer can make arrangements for establishing Joint Health Scrutiny Committee after consulting with the Chair and Vice-Chair of the Health in Hackney Scrutiny Commission.
- 11.6 Authorities responsible for crime and disorder strategies may require Full Council to appoint a Joint Crime and Disorder Committee and to arrange for crime and disorder scrutiny functions in relation to any (or all) of those Councils to be excisable by that Committee.

Delegation to and from other local authorities

- 11.7 Full Council may delegate non-executive functions to another local authority or, in cases where that function is carried out by the executive of another local authority, to the executive of that authority.
- 11.8 Cabinet may delegate executive functions to another local authority or, in cases where that function is carried out by the executive of another local authority, to the executive of that authority.
- 11.9 The decision whether or not to accept a delegation from another local authority is reserved to Full Council.

Delegation to and from other organisations

- 11.10 Full Council may delegate non-executive functions to other organisations or boards where legislation allows.
- 11.11 Cabinet may delegate executive functions to other organisations or boards where legislation allows.
- 11.12 The decision whether or not to accept such a delegation from another organisation or board is reserved to Full Council.

Part Two - Articles of the Constitution

Article 12 - Officers

Management structure

- 12.1 The Council can employ the staff it considers necessary to carry out its functions. Council staff are called officers.
- 12.2 Chief Officers – The Council must employ a person to fill each of the following posts. These officers are called Chief Officers.
- i) Head of Paid Service;
 - ii) Monitoring Officer;
 - iii) Chief Finance Officer (also known as the s151 Officer);
 - iv) Director of Children’s Services;
 - v) Director of Adult Social Services; and
 - vi) Director of Public Health.
- 12.3 The Head of Paid Service / Chief Executive may decide to appoint other Chief Officers. The Chief Executive has the authority to vary the portfolios, functions and areas of responsibility of all Chief Officers.
- 12.4 Structure – The Chief Executive determines and publicises a description of the overall structure of the Council by department, showing the management structure and deployment of officers.

Responsibilities of the Head of Paid Service

- 12.5 The Chief Executive is the Head of Paid Service.
- 12.6 The Head of Paid Service reports to Full Council, the Cabinet and other Committees on how the Council ought to be staffed, managed and organised so that it operates efficiently and effectively.
- 12.7 Corporate management responsibility – The Head of Paid Service is responsible for the overall corporate management and operations of the Council and its staff. They are responsible for the recruitment of all staff below Group Director Level, except the Council’s Monitoring Officer and Director of Public Health.
- 12.8 Providing advice – The Head of Paid Service provides advice to all elected members involved in the decision-making process.
- 12.9 Service strategies – The Head of Paid Service advises and assists in planning and delivering effective policies and programmes, which make best use of available resources to achieve the Council’s priorities.

- 12.10 Representing and Negotiating on behalf of the Council - The Head of Paid Service is responsible for representing the Council and negotiating with external bodies and networks.
- 12.11 Emergency Powers – The Head of Paid Service has the power to discharge the responsibilities of other Chief Officers when there is an emergency or action is needed urgently. They do this in consultation with the Elected Mayor.
- 12.12 Restrictions on who may be the Head of Paid Service – The Head of Paid Service cannot be the Monitoring Officer, but can be Chief Finance Officer if they are a qualified accountant as described in section 5(1A) Local Government and Housing Act 1989.

Responsibilities of the Monitoring Officer

- 12.13 The Monitoring Officer is the Director of Legal, Democratic and Electoral Services. The role of the Monitoring Officer is to ensure that the Council operates within the law and its Constitution. Further information can be found in the Monitoring Officer Protocol set out in Part X of this Constitution. The Monitoring Officer cannot be the Chief Finance Officer or the Head of the Paid Service.

Unlawfulness, maladministration or injustice by the Council

- 12.14 If the Monitoring Officer considers that any proposal, decision or omission by the Council or by the Elected Mayor and Cabinet would be unlawful or has given rise to maladministration, they must make a report to Full Council. Before making a report they must consult with the Head of Paid Service and Chief Finance Officer. When the Monitoring Officer makes such a report, no further action can be taken and the proposal or decision cannot be implemented until the report has been considered. The report must be considered by Full Council within 21 days.
- 12.15 The Monitoring Officer shall not have a duty to prepare a report with regard to maladministration and injustice unless a Local Commissioner has conducted an investigation (as provided for in Part III of the Local Government Act 1974) in relation to that proposal, decision or omission. When such a report is completed, the Monitoring Officer will ensure that a copy is sent to each member of the Council.

Unlawfulness, maladministration or injustice by the Elected Mayor and Cabinet

- 12.16 Where the proposal, decision or omission that has led to or would lead to unlawfulness or maladministration is that of the Elected Mayor or Cabinet, the Monitoring Officer must make a report to Cabinet, which must be considered within 21 days.
- 12.17 As soon as practicable after Cabinet has considered the Monitoring Officer's report, it must prepare a report that will include:
- i) what action Cabinet has taken in response to the report; or
 - ii) what action Cabinet proposes to take in response to the report and when it proposes to take that action; and
 - iii) the reasons for taking that action, or the reasons for not taking any action.

As soon as practicable after Cabinet has prepared this report, it must circulate a copy of the report to all members of the Council and the Monitoring Officer.

Supporting the Standards Committee

- 12.18 The Monitoring Officer, together with the Independent Person, will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Maintaining the Constitution

- 12.19 The Monitoring Officer will maintain an up-to-date hard copy version of the Constitution and will ensure that it is widely available to Members, Officers and the public.

Conducting investigations regarding the conduct of elected members

- 12.20 The Monitoring Officer will consider complaints about the conduct of elected members and will, where necessary, arrange the conduct of investigations, and make reports or recommendations about them to the Standards Committee.

Register of Interests

- 12.21 The Monitoring Officer will establish and maintain a register of interests of Councillors and voting co-opted members.

Proper Officer for access to information

- 12.22 The Monitoring Officer will ensure that all non-exempt or confidential Cabinet and Committee decisions, together with the reasons for those decisions and relevant Officer reports and background papers, are publicly available as soon as possible.

Advising whether Cabinet decisions are within the budget and policy framework

- 12.23 The Monitoring Officer will advise whether decisions of the Cabinet are in line with the budget and policy framework.

Providing advice

- 12.24 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to full Council.

Responsibilities of the Chief Finance Officer

- 12.25 The Chief Finance Officer is appointed under Section 151 of the Local Government Act 1972. At the London Borough of Hackney the Chief Finance Officer is the Group Director of Finance and Corporate Resources.
- 12.26 The Chief Finance Officer is responsible for the administration of the financial affairs of the Council.
- 12.27 The Chief Finance Officer provides advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and supports and advises Councillors and Officers.

Ensuring lawfulness of expenditure

- 12.28 After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council, or to Cabinet in relation to a Cabinet function, and to 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. Where the Chief Finance Officer makes such a report, no further action can be taken and the proposal or decision cannot be implemented until the report has been considered.
- 12.29 When the report is completed, the Chief Finance Officer must send a copy of the current audit of the Council's accounts to each member of the Council. The Chief Finance Officer will as soon as is reasonably practicable notify the Council's auditors of the date, time and place of the proposed meeting. As

soon as is reasonably practicable after the meeting, the Chief Finance Officer will notify its auditor of any decision made at the meeting.

Ensuring lawfulness of expenditure by the Elected Mayor and Cabinet

- 12.30 Where the Chief Finance Officer considers that any proposal, decision or course of action on the part of the Elected Mayor and Cabinet 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, Cabinet must consider the report referred to above at a meeting and decide whether it agrees or disagrees with the report. The Cabinet must also decide what action to take when it meets. The meeting must be held on, or within, 21 days from the day that the copies of the report are sent.
- 12.31 As soon as practicable after the Cabinet has considered the Chief Finance Officer's report it must prepare a report that will include:
- i) what action the Cabinet has taken in response to the report;
 - ii) what action the Cabinet proposes to take in response to the report and when it proposes to take that action;
 - iii) the reasons for taking that action, or the reasons for not taking any action.

As soon as practicable after Cabinet has prepared this report, it shall arrange for a copy of the report to be circulated to the person who has the duty to audit the Council's accounts, all Council Members and the Chief Finance Officer.

Providing financial information

- 12.32 The Chief Finance Officer will provide financial information to the media, members of the public and the community.

Responsibilities of the Director of Children's Services

- 12.33 Every top-tier or unitary local authority in England is required by the Children Act 2004 to appoint a Director of Children's Services and to designate a lead Councillor for children's services in accordance with section 18 Children's Act 2004.
- 12.34 At the London Borough of Hackney, the Group Director of Children and Education is the designated Director of Children's Services. As such, they are accountable for the delivery of education and social services functions for children, and any health functions for children delegated to the authority by an NHS body.

Responsibilities of the Director of Adult Social Services

- 12.35 Section 6 of the Local Authority Social Services Act 1970 requires the appointment of an Officer, to be known as the Director of Adult Social Services. The Authority shall also secure the provision of adequate staff to assist the Director of Adult Social Services in the discharge of their functions.
- 12.36 At the London Borough of Hackney, the Group Director of Adults, Health and Integration is the designated Director of Adult Social Services and responsible for all of the authority's social services functions, other than those for which the authority's Director of Children's Services is responsible under Section 18 of the Children Act 2004.

Responsibilities of the Director of Public Health

- 12.37 Full Council must act jointly with the Secretary of State to appoint an Officer known as the Director of Public Health in accordance with Part 3 of the National Health Service Act 2006. The Council's Director of Public Health is jointly appointed with the City of London Corporation and provides leadership to secure better health for the citizens of both Hackney and the City.
- 12.38 The responsibilities of the Director of Public Health are broadly to implement all the health improvement and public health duties of local authorities. The responsibilities of the Director of Public Health include:
- a) the health improvement duties that the National Health Service Act 2006 places on local authorities;
 - b) the exercise of any public health functions which the Secretary of State requires the local authority to exercise by regulations made under section 6C National Health Service Act 2006;
 - c) any public health activity undertaken by the local authority under arrangements with the Secretary of State;
 - d) local authority functions in relation to planning for, and responding to, emergencies that present a risk to public health;
 - e) the local authority role co-operating with police, probation and prison services in relation to assessing risks of violent or sexual offenders; and
 - f) other public health functions that the Secretary of State may specify in regulations.

The Council's duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

12.39 The Council will provide the Monitoring Officer and Chief Finance Officer with officers, accommodation and other resources it considers to be sufficient to perform their duties.

Conduct of Officers

12.40 All officers must comply with the Council's Employee Code of Conduct and the Protocol on Officer/Member Relations. The Protocol is set out in Part X of this Constitution.

Employment

12.41 The recruitment, selection, disciplining and dismissal of Officers must comply with the Officer Employment Procedure Rules set out in Part 4 of the Constitution.

Proper Officers

12.42 The Monitoring Officer must maintain a list of Proper Officers. This list can be found in Part X of this Constitution

Part Two - Articles of the Constitution

Article 13 - Decision Making

Responsibility for decision-making

- 13.1 The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions, or for decisions relating to particular areas or functions. This record is set out in Part X of the Constitution.
- 13.2 Notice of decisions to be taken and publication of decisions made will be in accordance with the Access to Information Procedure Rules set out in Part X of the Constitution.

Principles of decision-making

- 13.3 All decisions of the Council will be made in accordance with the principles set out in Part 1, Section B of the Constitution.

Decisions reserved to Full Council

- 13.4 Full Council will make decisions relating to those functions listed in Article X.

Key Decisions

- 13.5 A key decision is a Cabinet decision which is likely to
- i) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decisions relates, or
 - ii) be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.
- 13.6 The Elected Mayor alone, Cabinet collectively, individual Cabinet Councillors and Officers can take key decisions. When making a key decision, the decision maker must comply with the requirements of the Access to Information Procedure Rules as set out in Part X of this Constitution.

Decision-making by the Full Council

- 13.7 Subject to Article X, Full Council meetings will comply with Council Procedure Rules set out in Part X of this Constitution.

Decision-making by the Cabinet

- 13.8 Subject to Article X, the Cabinet will comply with the Cabinet Procedure Rules set out in Part X of this Constitution.

Decision-making by the Scrutiny Panel and Commissions

- 13.9 The Scrutiny Panel and Commissions will follow the Overview and Scrutiny Procedure Rules set out in Part X of this Constitution when considering any matter.

Decision-making by Council Committees and Sub-Committees etc

- 13.11 Subject to Article X, other Council Committees and Sub-Committees etc will comply with the Council Procedure Rules set out in Part X of this Constitution.

Decision-making by Council bodies acting as tribunals

- 13.12 Council bodies or persons acting as a tribunal or in a quasi-judicial manner will follow a procedure which accords with the requirements of natural justice.

Part Two - Articles of the Constitution
Article 14 - Finance, Contracts and Legal Matters

Financial management

14.1 The management of the Council's financial affairs will be conducted in accordance with the financial standing orders set out in Part X of the Constitution.

Contracts

14.2 Every contract made by the Council will comply with the Contract Standing Orders set out in Part X of this Constitution.

Legal Procedures

14.3 The Director of Legal, Democratic and Electoral Services is authorised to:

- i) issue, defend, settle or participate in any legal proceedings or mediation (including preparatory steps) where this is necessary to give effect to the decisions of the Council or where the Director considers that such action is necessary to protect the Council's interests;
- ii) prepare any legal document or agreement;
- iii) sign any legal document on behalf of the Council;
- iv) witness the affixing of the Council's seal;
- v) register, enforce and remove any charge on the title of any property, in conjunction with the relevant Cabinet Councillor;
- vi) consent to the registration of other charges on the title of any property where the Council already holds a charge;
- vii) take out letters of administration or grant of probate on behalf of the Council;
- viii) instruct Counsel and external solicitors;
- ix) engage professional experts and witnesses;
- x) waive, alter or modify the rules relating to the hearing of applications for licences, registrations and consents by the Council.

- xi) delegate authority to carry out any of the responsibilities listed above to such other Officers within the Legal Service as they consider appropriate.

Authentication of documents

- 14.4 Where the production of any document is required in connection with any legal proceedings, including mediation, the Director of Legal, Democratic and Electoral Services, or any other person(s) authorised by them, is authorised to produce the document and certify that it is a true copy of the original.

Entering into a contract or agreement

- 14.5 Any contract entered into by the Council will be made in writing.
- 14.6 The following contracts or agreements must be made under the Common Seal of the Council, which is attested by either the Director or some other person authorised by them:
- any contract entered into by the Council which is valued at £500,000 or more;
 - all high risk contracts;
 - any civic agreements;
 - any agreement where no price or other tangible consideration is mentioned;
 - any agreement which is required by law to be made under seal;
 - any document which in the opinion of the Director of Legal, Democratic and Electoral Services should be made under seal
- 14.7 A decision made by the Council will be sufficient authority for signing or sealing any document necessary to give effect to the decision.

Common Seal of the Council

- 14.8 The Common Seal of the Council will be kept in a safe place in the custody of the Director of Legal, Democratic and Electoral Services.

Part Two - Articles of the Constitution
Article 15 - Review and Revision of the Constitution

Duty to monitor and review the Constitution

- 15.1 Full Council and the Monitoring Officer are responsible for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 15.2 To ensure that the Monitoring Officer is aware of the strengths and weaknesses of the Constitution, and to enable them to make recommendations for ways in which it could be amended, the Monitoring Officer may:
- observe any meetings of the Council, whether conducted by elected members or Officers;
 - undertake an audit of decisions made;
 - record and analyse issues raised with them by elected members, co-optees, Officers, the public and other relevant stakeholders; and
 - compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Changes to the Constitution

- 15.3 Full Council must approve changes to the Constitution other than as set out below. Where amendments concern ethical governance issues, the Standards Committee must consider them before Full Council.
- 15.4 Unless the change relates only to the operation of the Council's scrutiny functions, any resolution of Full Council to approve any amendment to the Constitution will not take effect unless the Elected Mayor has first been notified of the amendment and has either consented in writing to the amendment or a period of 5 working days has elapsed since being notified of the amendment.
- 15.5 The Monitoring Officer may make amendments to the Constitution without the approval of Full Council which:
- are required as a result of any amendment to legislation;
 - correct any typographical, grammatical or formatting errors;
 - improve public accessibility of the Constitution;
 - arise as a result of any restructure of the Council's staffing arrangements agreed by the Head of the Paid Service, including re-naming of posts and service areas;
 - update arrangements arising from external factors.

- 15.6 Before any change from an Elected Mayor and Cabinet system to another form of organisational system, e.g. Leader and Executive system, Committee system, the Council must take reasonable steps to consult with local electors and other interested persons in the area and must hold a binding referendum. If a referendum votes for change, this will not take effect until the end of an Elected Mayor's term of office.

DRAFT

Part Two - Articles of the Constitution

Article 16 - Suspension, Interpretation and Publication of the Constitution

Suspension of the Constitution

Limit to suspension

16.1 The Articles of this Constitution may not be suspended. However, Full Council may suspend Council Procedure Rules to the extent permitted within the Rules and the law.

Procedure for suspension

16.2 Unless otherwise stated, a motion to suspend any of the Council Procedure Rules set out in Part X of the Constitution may not be moved without notice unless at least one third of the whole number of elected members are present. The extent and duration of suspension must be proportionate to the reason for that suspension and must take into account the purposes of the Constitution.

Rules capable of suspension without notice by less than one half of the whole number of elected members

16.3 The following Council Procedure Rules may be suspended:

- i) Duration of meeting (Rule X);
- ii) Questions by the public (Rule X);
- iii) Questions by Councillors – except there shall be no suspension of the time limit for Councillors' questions (Rule X);
- iv) Deputations (Rule X);
- v) Petitions (Rule X);
- vi) Total time for consideration of motions (Rule X);
- viii) Debating reports (Rule X);
- ix) Previous decisions and motions (Rule X);
- x) Councillors' conduct (Rule X)

Interpretation

16.4 At any meeting of the Council, a member may not challenge a ruling of the Speaker or the Chair on the construction, interpretation or application of this Constitution.

Publication

16.5 The Monitoring Officer will ensure elected members receive an electronic copy of the Constitution.

- 16.6 The Monitoring Officer will ensure that an electronic copy of the Constitution is available for inspection on the Council's website.
- 16.7 The Monitoring Officer will ensure that a printed copy of the Constitution is available for inspection at Hackney Town Hall on request. Paper copies of the Constitution can be purchased by the local press and the public on payment of a reasonable fee.

DRAFT

PART 1 – SUMMARY

The London Borough of Hackney

The London Borough of Hackney is situated in the north east of London and consists of the former metropolitan boroughs of Stoke Newington, Shoreditch and Hackney. Hackney is bordered by the London Borough of Haringey to the north, the boroughs of Newham and Waltham Forest to the east and north east, the City of London Corporation and Tower Hamlets to the south and north east and Islington to the west. Hackney is currently divided into 21 areas which are called [wards](#). 15 of the borough's wards each elect 3 [Councillors](#), whilst 6 wards each elect 2 Councillors. The map below shows the borough's ward boundaries.



What is the Constitution?

The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that decisions are taken efficiently and transparently and that those who make the decisions are accountable to local people. Some of these procedures are legal requirements while others are how the Council has chosen to conduct its business.

This summary, together with a diagram of the committee structure and a list of definitions for reference, forms Part 1 of the Constitution. Part 2 contains the Articles of the Constitution, which explains the relationship between local people and the Council and the roles of different parts of the decision-making process. The remainder of the Constitution contains detailed procedures, codes of practices, rules and protocols. [Part 3](#) sets out which parts of the Council are responsible for different functions.

[Full Council](#) may amend the Constitution from time to time in accordance with the law.

The Council

The Council is made up of the [Elected Mayor](#) and 57 Councillors who are elected every four years. 15 of the borough's wards each elect 3 Councillors, whilst 6 wards each elect 2 Councillors. For a list of your current Councillors and the parties that they represent please click [here](#). The overriding duty of a Councillor is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. The Elected Mayor is elected by voters in all 21 wards and is accountable to the [Citizens](#) of the borough as a whole.

Councillors shall agree to follow a [code of conduct](#) to ensure high standards in the way that they undertake their duties. This code of conduct is included in [Part 5](#) of the Constitution.

All Councillors and the Elected Mayor meet together at Full Council Meetings, which are open to the public. It is here that the Council decides its overall policies and, once a year, sets the budget.

The majority of the Council's decisions are taken by the Elected Mayor, the [Committees](#) or [Officers](#) of the Council. Details of which body or individual is accountable for particular decisions are contained in [Part 3](#) of the Constitution.

The Speaker

The [Speaker](#) chairs Full Council meetings. The Speaker is the First Citizen of the borough and acts as an ambassador for the Council locally, regionally and nationally.

The Executive (known as the [Cabinet](#))

The Elected Mayor is the political leader of the Council. The Elected Mayor appoints a number of Councillors to be [Cabinet Councillors](#) and [Mayoral Advisors](#). Together, the Elected Mayor and Cabinet Councillors are known as the Executive and/or the Cabinet.

The Cabinet is responsible for putting the Council's policies into effect and is the part of the Council responsible for most of its decisions. The Cabinet has to take decisions in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or [policy framework](#) this decision shall be referred to Full Council as a whole. The Cabinet shall also be responsible for exercising the general power of competence conferred by the Localism Act 2011.

All [key decisions](#) to be taken by the Cabinet, by its committees, by individual Councillors of the Cabinet, or by Officers, are published in an Executive Meetings and Key Decisions Notice and shall be made in public, except to the extent that confidential or exempt matters are to be discussed. Full Council and its Overview and Scrutiny bodies have powers to hold the Cabinet to account.

When making decisions, the Elected Mayor and Cabinet Councillors shall have regard to the principles of decision-making contained in [Article 13](#) of the Constitution and shall maintain the highest standards of integrity.

Council [Committees](#) and [Sub-Committees](#)

Full Council has a statutory duty to perform certain functions and these cannot be the responsibility of the Cabinet. Most of these responsibilities have been delegated to Officers or to Council Committees. The terms of reference of these Committees are set out in [Part 3](#) of this Constitution.

Overview and Scrutiny

The Scrutiny Panel and Commissions monitor the performance of Cabinet and have the power to review other matters of concern to the borough's Citizens. They support the work of Cabinet and the Council as a whole.

The Overview and Scrutiny process allows Citizens to have a greater say in Council business by holding public inquiries into matters of local concern. This may lead to reports and recommendations which advise the Cabinet and Council as a whole on its policies, budget and service delivery. Such reports may also be presented to any organisation affecting the borough's economic, environmental, or social well-being.

The Scrutiny Panel shall help co-ordinate and oversee the scrutiny function of the Council and to provide support to the work of the Overview and Scrutiny Committees. The Scrutiny Panel will consider any call-in of an executive decision that has recently been made by the Cabinet or under delegated authority by an Officer. The Panel may recommend that the decision be reconsidered but cannot stop implementation of the decision indefinitely or impose alternative views.

The relevant Scrutiny Commission may be consulted by the Cabinet or Full Council on forthcoming decisions or the development of policy.

Ward Forums

Ward Forums provide an opportunity for effective engagement between ward Councillors and local Citizens. Ward Forums enable local discussion and a locally developed way of taking issues forward in order to make a difference to local areas.

Ward Forums are run by the ward Councillors for each ward area with the support of Council Officers. All Ward Forum meetings are held in public at a venue within the ward area.

Citizens' Rights

Citizens are those who are living, working or studying in the borough. Citizens have a number of rights in their dealings with the Council. These are set out in [Article 2](#) and referred to in other parts of the Constitution such as [Council Procedure Rules \(Part 4\)](#) and the [Access to Information Procedure Rules \(Part 4\)](#). Some Citizens' rights 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 pupil at a school or as a council tenant, they may have additional rights to those in the Constitution either by law or as a service user.

The Council is committed to working in partnership with the community to improve existing services and develop new services to meet the community's needs.

In addition to the formal consultative bodies and processes of the Council, Citizens can approach Councillors or the Elected Mayor directly about matters which concern them. Contact and surgery details for Councillors are available on Hackney Council's website [here](#) or from the Councillors Services Office.

The Council's staff

The Council employs staff to deliver its services and they are known as Officers. Officers give advice to Councillors and Citizens, implement decisions and manage the day to day delivery of the Council's services.

Officers have a duty to ensure that the Council acts within the law and uses its resources wisely. In particular, the Monitoring Officer, Group Director of Finance, Director of Children’s Services, Director of Adult Services and the Director of Public Health have specific legal responsibilities.

A code of practice governs the relationship between officers and the Elected Mayor and other Councillors within the Council. This is contained in [Part 5](#) of the Constitution.

Full Council is required by the Localism Act 2011 to annually approve and publish a pay policy statement which sets out:

- a) the remuneration of its [Chief Officers](#);
- b) the remuneration of its lowest paid employees, and;
- c) the relationship between –
 - i. the remuneration of its Chief Officers and
 - ii. the remuneration of its employers who are not Chief Officers.

Management Structure

The Council is currently made up of five directorates:

- Chief Executive's Directorate
- Adults, Health and Integration
- Children and Education
- Finance and Corporate Resources
- Neighbourhoods and Housing

Further information on the Council’s management structure and services can be found on the Council’s website [here](#).

PART 2 – ARTICLES OF THE CONSTITUTION

Article		Page
1	<u>The Constitution</u>	10
2	<u>Citizens</u>	12
3	<u>Members of the Council</u>	16
4	<u>Full Council</u>	19
5	<u>The Executive</u>	24
6	<u>The Speaker</u>	29
7	<u>Overview and Scrutiny</u>	30
8	<u>The Standards Committee and Independent Person</u>	37
9	<u>Council Committees</u>	40
10	<u>Ward Forums</u>	43
11	<u>Joint Arrangements</u>	44
12	<u>Officers</u>	46
13	<u>Decision Making</u>	54
14	<u>Finance, Contracts and Legal Matters</u>	56
15	<u>Review and Revision of the Constitution</u>	58
16	<u>Suspension, Interpretation and Publication of the Constitution</u>	59

Article 1 – The Constitution

Powers of the Council

- 1.1. The Council will exercise all its powers and duties in accordance with the law and this [Constitution](#).

The Constitution

- 1.2 The Constitution (and appendices) are known as the Constitution of the London Borough of Hackney. The Constitution explains the way the Council governs itself.

Purpose of the Constitution

- 1.3 The purpose of the Constitution is to:
- i) Enable the Council to provide clear leadership to the community in partnership with Citizens, businesses and other organisations;
 - ii) Support the active involvement of Citizens in the process of local authority decision-making;
 - iii) Help Councillors to represent their constituents effectively;
 - iv) Enable decisions to be taken efficiently and appropriately;
 - v) Create a powerful and effective means of holding decision-makers to public account;
 - vi) Ensure that no one will review or scrutinise a decision in which they were directly involved;
 - vii) Ensure that those responsible for decision making are clearly

identifiable to local people and that they explain the reasons for decisions; and

- viii) Provide a means of improving the delivery of services to the community.

Interpretation and review of the Constitution

- 1.4 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option that best meets the purposes stated above
- 1.5 Full Council may monitor and evaluate the operation of the Constitution as set out in [Article 15](#).

Article 2 – Citizens

Council responsibilities

- 2.1 The Council recognises and values the rich cultural diversity of the citizens who work, live or study in the borough and is committed to working in partnership with the communities of Hackney to improve existing services and develop new services to meet their needs. The Council will aim to achieve this by: -
- Working in partnership with the following groups:
 - The Community Strategy Partnership Board
 - Tenants' and Residents' Associations
 - Voluntary sector and community groups
 - Local business organisations and relevant partners
 - Consulting all sections of the community on matters that affect them. The Council will use a variety of methods to consult with the community.
 - Inclusion – listening to the views of all sections of the community and developing more effective ways of working with local people particularly hard to reach groups such as young people and minority ethnic communities;
 - Respecting the Citizens of the borough, and valuing and promoting the cultural and economic diversity of the borough.

Citizens' rights

- 2.2 Citizens have the rights set out below. Their rights to information are explained in more detail in the Access to Information Rules in [Part 4](#) of this Constitution.

Citizens' rights in relation to Council business

- 2.3 Citizens on the electoral roll for the area have the right to vote for their representatives as Councillors and the Elected Mayor. This right is subject to the relevant rules and regulations regarding voting and Citizens must not be legally excluded from voting. For further information on this, please

contact the Council's election team.

2.4 All Citizens living in the London Borough of Hackney have the right to:

- Find out from the Cabinet Meetings and Key Decisions Notice what key decisions are due to be taken by the Cabinet, its Committees or by Officers under delegated authority;
- Have access to information, agendas and papers relating to Full Council, Committee and Cabinet meetings and decisions, in accordance with the law and this Constitution;
- Attend and record meetings of Full Council, Committees and the Cabinet (where key decisions are considered and made) except where confidential or [exempt information](#) is likely to be disclosed and the meeting, or part of the meeting, is therefore held in private in accordance with the Access to Information Procedure Rules, as set out in [Part 4](#) of this Constitution;
- See records of decisions taken by Full Council, its Committees and the Cabinet, and to be given reasons for those decisions, in accordance with the law and the Constitution;
- Inspect the Council's accounts and make their views known to the external auditor;
- Obtain a copy of this Constitution.

Citizens' participation in Council business

2.5 The Council is committed to supporting its Citizens to contribute to how decisions are made about local services.

2.6 Citizens have the right to:

- i) Attend public sessions arranged for, on behalf of the Elected Mayor, Cabinet Councillors and [Mayoral Advisors](#) and ask questions.
- ii) Be asked to contribute to the work of the Scrutiny Panel and Commissions;
- iii) Form part of a deputation to a Full Council or Cabinet meeting in

accordance with the rules set out in [Part 4](#);

- iv) Participate in Ward Forums;
- v) Participate in Enhanced Tenants Residents Associations when acting as open forums;
- vi) Take up one or many roles such as a [co-opted member](#);
- vii) Respond to consultation by participating in a focus group or stakeholder group, attending a roadshow or responding to a survey organised by the Council.

Representation and Complaints

2.7 The views of Citizens about how the Council and its services are performing are important and valued by the Council.

2.8 Citizens have the right to:

- i) Make representations to the Elected Mayor and the Cabinet, Ward Councillors directly or via Ward Forums. For further information on how to do this click [here](#);
- ii) Present [petitions](#) in accordance with the Council's Petition Scheme set out at [Part 6](#) of this Constitution. Citizens on the electoral register may also present a petition to request a referendum to change the Constitution;
- iii) Form part of a deputation to Full Council or Cabinet meeting;
- iv) Make a formal complaint about any Council services under the complaints procedure;
- v) Complain to the Local Government Ombudsman, and or relevant Ombudsman depending on the nature of the matter complained about;

- vi) Complain in writing to the Council's Director of Legal and Governance about a breach of the Members Code of Conduct.;
- vii) Attend any meetings of the Council and at the discretion of the [Chair](#), ask a question or make a representation in accordance with [Part 4](#);
- viii) Attend meetings of Full Council, other Council meetings held in public, and/or Cabinet, and ask questions in accordance with the Council Procedure Rules in [Part 4](#) of this Constitution;
- ix) Submit an expression of interest on behalf of a voluntary or community body to provide, or to assist in providing, a relevant service on behalf of the Council; and
- x) Nominate on behalf of a voluntary or community body, land of community value to be included on the Council's list of assets of community value.

Citizens' responsibilities

2.9 Citizens of the borough can contribute, participate in and influence the local democratic process and community civic culture, which this Constitution is intended to support, by:

- i) assisting the Council with the compilation of the electoral register and respecting any requirements for proper use of this information;
- 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 Hackney;
- iv) Treating with respect other citizens, the Elected Mayor, Councillors and Council Officers carrying out public duties;
- v) Meeting their obligations in relation to the Council by paying any rent, Council tax or other charges owed to the Council; and

- vi) Ensuring that their children attend school.

2.10 In recognition of these rights and responsibilities

- i) Citizens must not be violent, abusive or threatening to the Elected Mayor, Councillors or Officers and must not wilfully damage things owned by the Council, Elected Mayor, Councillors or Officers;
- ii) When attending meetings of Council, Committees / Sub-Committees / Panels or Cabinet, Citizens must not behave improperly, offensively or interrupt the business of the meeting as such action will result in them being removed and excluded from the meeting;
- iii) Where members of the public use specific Council services, for example as a parent of a school pupil or as an occupier of Council land or premises, they have additional rights. These are not covered in this Constitution.

Article 3 – Councillors of the Council

Composition and eligibility

- 3.1 i) **Composition** - The Council comprises 57 Councillors and the Elected Mayor. Councillors will be elected by the voters in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State. They will be elected in accordance with the provisions of Article 3.6.
- ii) **Eligibility** – Only registered voters of the Borough or those living or working there will be eligible to stand for election to the office of Elected Mayor or Councillor. There are other restrictions on who can hold office as the Elected Mayor or Councillor, including having attained the age of 18 at the date of nomination, citizenship and absence of any other disqualification (criteria for disqualifications are set out in legislation). A person cannot hold office as both the Elected Mayor and Councillor. If you are in any doubt about whether you are eligible to stand as a Councillor, you should contact the Council’s Electoral Services department for advice.

Election and terms of office of Councillors

- 3.2 The local election of Councillors will usually be held on the first Thursday in May every four years. 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 local election.

Opposition Group

- 3.3 The [Opposition Group](#) will be the party with the largest number of minority councillors. In the event of two opposition groups having equal numbers of councillors, the official Opposition Group will be the incumbent Opposition Group.

Rights and responsibilities of all Councillors

- 3.4 All Councillors and the Elected Mayor will:

- i) Collectively be the ultimate policy-makers;
- ii) Communicate the Council's work and role to Citizens and promote their understanding of the Council's work;
- iii) Represent and become advocates for their communities and, having regard to the rich cultural diversity of the borough, bring their views into the Council's decision-making process;
- iv) Contribute to the good governance of the area and actively encourage community participation and Citizen involvement in decision making;
- v) Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- vi) Balance different interests identified within the ward and borough and represent the ward and borough as a whole; dealing with these interests with integrity and with regard to the Code of Conduct contained in [Part 5](#) of the Constitution;
- vii) Be involved in decision-making in accordance with [Article 13](#);
- viii) Be available to represent the Council on other bodies;
- ix) Maintain the highest standards of conduct and ethics;
- x) Have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- xi) 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 Officers entitled to know it (for these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in [Part 4](#) of this Constitution);

- xii) Be entitled to join a political group of their choice; and
- xiii) Be called a member of a party group, which must consist of at least two Councillors of the Council in accordance with Section 15 of the Local Government Act 1989.

Rights and responsibilities specific to non-executive Members

3.4 In addition to the other rights and responsibilities set out above, non-executive Members have the right to:

- i) Act as a check and balance on the powers and actions of the Elected Mayor and Cabinet through serving as a member of overview and scrutiny bodies in accordance with the political balance on the Council;
- ii) Call-in with four other Members, any decision of the Cabinet which is capable of being called in (as prescribed at [Part 4](#) of the Constitution);
- iii) Call in extraordinary Full Council meeting (as prescribed at [Part 4](#) of the Constitution);
- iv) Serve as a member of any non-executive Committee in accordance with the political balance on the Council;
- v) Ask a question on a report of the Executive or introduce a deputation
- vi) Receive agendas, minutes and reports of meetings of the Executive (as prescribed at [Part 4](#) of the Constitution).

Election of the Mayor

3.5 The ordinary election of the Elected Mayor will be at the time of the local Council elections. The term of office of the Elected Mayor will be 4 years. They will take office on the fourth day after their election and will continue in office until the fourth day after their successor is elected, unless they

die, are disqualified or resign.

Role of the Elected Mayor

- 3.5 The Elected Mayor shall, in addition to the rights and responsibilities for all Councillors contained in Article 3.4 above, carry out the roles and functions contained in [Article 5](#).

Conduct

- 3.7 Councillors and the Elected Mayor will at all times observe the [Code of Conduct for Members](#) and the [Protocol for Member/Officer Relations](#) as set out in [Part 5](#) of this Constitution. Members of the Licensing Committee and Planning Sub-Committee must also observe the [Licensing](#) and [Planning Codes of Practice](#), respectively.

Allowances

- 3.8 Councillors and the Elected Mayor will be entitled to receive allowances in accordance with the Members Allowances Scheme set out in [Part 6](#) of this Constitution.

Article 4 - Full Council

Role of Full Council

- 4.1 Full Council comprises the Elected Mayor and the 57 Councillors who represent the areas of the London Borough of Hackney, called [wards](#).
- 4.2 Full Council meetings are held to determine the Council's policy framework and budget, and to agree the strategic direction for the Council which is then implemented by Cabinet and monitored by Overview and Scrutiny. There is a further explanation of what the Council means by budget policy and framework in [Part 4](#).
- 4.3 The Full Council meeting is the assembly, where councillors, as the elected representatives of the borough's Citizens, speak up for and on behalf of their constituents. It is an opportunity for deliberation and political debate on issues of concern which the Council should express a view, and also an opportunity for councillors from all political parties to come together as the elected voice of the borough.
- 4.4 Full Council meetings provide the opportunity for Citizens to engage and hold councillors to account through questions and [deputations](#) as set out in [Part 4](#) Council Procedure Rules.
- 4.5 The frequency of the meetings of Full Council will be determined annually at Annual General Meeting (AGM).

Functions of Full Council

- 4.6 The following functions will be exercised by Full Council only: -
- i) Adopting and changing the Constitution in accordance with [Article 15](#);
 - ii) Approving or adopting the policy framework, the annual Council Tax requirements, the budget and any application to the Secretary of State in respect of any housing land transfer;

- iii) Making decisions about any matter relating to the discharge of an executive function covered by the policy framework or budget, where the Executive is minded to make the decision in a manner which would be contrary to the policy framework or contrary or not wholly in accordance with the budget;
- iv) Agreeing and / or amending the terms of reference for the following:
- Appointments Committee
 - Audit Committee
 - Constitution Committee
 - Corporate Committee
 - Health and Wellbeing Board
 - Licensing Committee
 - Overview and Scrutiny
 - Pensions Board
 - Pensions Committee
 - Standards Committee
- v) Agreeing and / or amending the terms of reference for Committees (other than Cabinet Committees), deciding on their membership and making appointments to them, including the Chair, subject to the legal rules regarding proportionality between the different political parties for the following:
- Appointments Committee
 - Audit Committee
 - Constitution Committee
 - Corporate Committee
 - Health and Wellbeing Board
 - Licensing Committee
 - Overview and Scrutiny
 - Pensions Board
 - Pensions Committee

- Standards Committee

- vi) Appointing representatives to outside bodies, unless the appointment is a decision of the Executive, or, has been delegated by Full Council;
- vii) Adopting a Members' Allowances Scheme;
- viii) Changing the name of the area;
- ix) Conferring the title of Honorary Freeman or Freedom of the Borough;
- x) Considering petitions which are referred to Full Council under the [Petition Scheme](#);
- xi) Confirming the appointment, redundancy or early retirement of the [Head of Paid Service](#);
- xii) Determining the level of disciplinary action or dismissal of specified statutory senior officers;
- xiii) Appointing the [Independent Person](#);
- xiv) Approving the annual Pay Policy Statement;
The Pay Policy Statement includes approving and publishing the following:
 - a) the remuneration of its [Chief Officers](#);
 - b) the remuneration of its lowest paid employees, and;
 - c) the relationship between –
 - d) the remuneration of its Chief Officers and
 - e) the remuneration of its employees who are not Chief Officers.
- xv) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the makings of local legislation or personal

bills;

- xvi) All local choice functions as set out in [Part 3](#) of this Constitution which Full Council has decided should be undertaken by itself rather than by Cabinet, a Committee, a Sub-Committee or an officer; and
- xvii) All other matters which by law must be reserved to Full Council or which Full Council may lawfully choose to undertake or refer to itself.

Policy framework

4.7 The [policy framework](#) documents, plans and strategies shall consist of the following:

(a) **Mandatory (as required by law)**

<u>Policy Framework</u>	<u>Legislation</u>
Annual Library Plan	Section 1(2) Public Libraries and Museums Act 1964
Local Transport Plan	Section 108(3) Transport Act 2000
Local Development Framework and Local Area Action Plans	Section 15 Planning and Compulsory Purchase Act 2004
Licensing Authority Policy Statement	Section 349 Gambling Act 2005
Crime & Disorder Reduction Strategy	Sections 5 and 6 Crime and Disorder Act 1998
Youth Justice Plan	Section 40 Crime and Disorder Act 1998

(b) **Discretionary (as recommended by the Secretary of State)**

Policy Framework

Corporate Plan

(c) **Discretionary (as decided by Full Council to be adopted as such)**

Policy Framework

Housing Strategy

Equalities Statement

Please see this [link](#) for further information regarding discretionary policies.

- 4.8 The policy framework plans and strategies will vary, from time to time in response to legislation. Any change to the framework which is necessary as a result of changes in legislation will be incorporated into this Constitution by the [Monitoring Officer](#) without the need for the agreement of Full Council

Budget

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

Housing Land Transfer

- 4.10 Housing Land Transfer refers to 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 (as

amended) or the disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Full Council meetings

4.11 There are three types of Full Council meetings:

- i) The [Annual General Meeting](#)
- ii) Ordinary meetings
- iii) [Extraordinary meetings](#)

All meetings of Full Council will be conducted in accordance with the Council Procedure Rules as set out in [Part 4](#) of this Constitution.

Responsibility for functions

4.12 The Monitoring Officer will maintain the tables in [Part 3](#) of this Constitution setting out the responsibilities for the Council's functions, which are not the responsibility of the Elected Mayor and Cabinet.

Article 5 – The Executive - known as the Elected Mayor and Cabinet

- 5.1 In accordance with the Local Government Acts and following a local referendum the Council operates under an [Elected Mayor](#) and [Cabinet](#).
- 5.2 The Elected Mayor and Cabinet shall carry out all of the Council's (Local Authority's) functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution but only to the extent of the delegation from the Elected Mayor. This is explained further in 5.4 and 5.5 of the articles. The Elected Mayor and Cabinet shall also be responsible for exercising the general power of competence conferred by the Localism Act 2011.

Form and composition

- 5.3 The Cabinet will consist of the Elected Mayor together with at least 2 but not more than 9 Councillors, appointed to the Cabinet by the Elected Mayor, one of whom will be the Elected Mayor, one of whom will be the [Deputy Mayor](#) (as defined by legislation). Each year the Mayor sets out arrangements for lead [portfolio](#) holders.

In the annual update, the Mayor will define who is nominated as his deputy Mayor for the purposes of a statutory Deputy Mayor (as defined by legislation).

Role and functions of the Elected Mayor

- 5.4 They are entitled to carry out all of the Council's Cabinet Functions. The Elected Mayor retains this entitlement whether or not they choose to delegate any or all of these functions. The Elected Mayor may choose to delegate functions to be carried out by the Cabinet collectively, or by another member of the Executive, by a committee of the Executive, or, by an Officer of the Council.
- 5.5 The precise nature of the Elected Mayor's role and functions will depend on the choice of the office holder and their policies but will include the items below:
- i) To give overall political direction to the Council and, in drawing up

policies for the Council, seek to balance the interests of the diverse community;

- ii) To set priorities that contribute to the life and development of the borough;
- iii) To appoint the Cabinet and the Deputy Mayor*;
- iv) To determine a [scheme of delegation](#) for Cabinet functions;
- v) To chair meetings of the Cabinet;
- vi) To represent the local authority on such external bodies as they decide;
- vii) To represent the interests of Hackney to the government and other partners and stakeholders;
- viii) To promote and improve the economic, social and environmental well-being of Hackney and its inhabitants;
- ix) To have regard to sustainable development principles in the policies that they and the Council promote;
- x) To lead and speak for Hackney as the principal public spokesperson and act as a champion for the whole borough;
- xi) To promote the rich cultural diversity of Hackney as one of the key strengths of the borough;
- xii) To ensure the Council is an effective partner to other agencies in the development of Hackney;
- xiii) To be accessible to Citizens of Hackney when carrying out their duties;
- xiv) To act with the highest degree of integrity in carrying out their duties,

in accordance with the ethical framework and standards agreed by Full Council;

- xv) To take action in emergencies in consultation with the [Chief Executive](#)

The Elected Mayor as a member of Full Council

5.6 The Elected Mayor will be treated as a Councillor unless the law or context requires otherwise. In particular the Elected Mayor:

- i) Is subject to the same rules about qualification and disqualification as any Councillor;
- ii) Must follow the rules about disclosure of interests and comply with the Members Code of Conduct set out in [Part 5](#) of this Constitution;
- iii) May be a member of, attend and speak at any meeting of Full Council, its committees and sub-committees, except the [Standards Committee](#) and Overview and Scrutiny Committees. The Elected Mayor may be invited to address the [Scrutiny Panel](#), [Scrutiny Commissions](#), or the Standards Committee;
- iv) Is subject to the Members' Allowances Scheme set out in [Part 6](#) of the Constitution; and
- v) Is subject to the same rules about casual vacancy as apply to all Councillors.

The title of Mayor may only be used by the Elected Mayor.

Inability of the Elected Mayor to act

5.7 If for any reason the Elected Mayor is unable to act, or the office of the Elected Mayor is vacant, the Deputy Mayor will act in their place until a new Elected Mayor is elected or again able to act. If the Elected Mayor is unable to act or the office is vacant, at the same time as the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, then the Cabinet

must act in the Elected Mayors place, or arrange for a Councillor of the Cabinet to do so.

Where the Elected Mayor & Deputy Mayor are unable to act because of suspension from office or because they are unfit to act on health grounds then an interim Elected Mayor may be appointed by Full Council and the provisions of Regulation 47 Local Authorities (Cabinet and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001, will apply.

The Cabinet

- 5.8 **Composition** – Only Councillors may be appointed to the Cabinet. Cabinet Councillors cannot have deputies or substitutes. Neither the [Speaker](#) nor [Deputy Speaker](#) of the Council may be appointed to the Cabinet. Councillors of the Cabinet may not be members of the Scrutiny Panel or a Scrutiny Commission.
- 5.9 **Term of office** – Councillors of the Cabinet will hold office until their appointment is terminated by the Elected Mayor, they resign from the Cabinet or they are no longer a Councillor.
- 5.10 **Appointment by the Elected Mayor** – Subject to Article 5.3, the size and composition of the Cabinet will be solely a matter for the Elected Mayor to decide. They may choose to appoint Councillors from any political group or those not in a political group. The Cabinet need not reflect the political balance of the Council as a whole. The Elected Mayor will report their appointments to Full Council and the Monitoring Officer as and when they are made.
- 5.11 **Removal from office** – the Elected Mayor will notify the Monitoring Officer and the next Full Council meeting of any changes in the identity of Councillors of the Cabinet.
- 5.12 **Inability of whole Cabinet to act** – If all the Councillors of the Cabinet are unable to act for any reason, then Full Council will appoint an Interim Cabinet to discharge the relevant executive functions.

Cabinet Committees

- 5.13 **Cabinet Procurement and Insourcing Committee (CPIC)** – The Committee has been authorised by Cabinet to give detailed consideration on all issues relating to procurement practice and policy and to award all high-risk contracts.

Corporate Parenting Board (CPB) – The Board is an advisory committee of Cabinet and oversees the implementation of the Corporate Parenting Strategy and Action Plan and monitors the quality and effectiveness of services to ensure they fulfil the Council's responsibilities and achieve good outcomes for children in care.

Hackney Integrated Commissioning Board – The Committee has been authorised by Cabinet to make decisions and manage pooled funds with the NHS City and Hackney Clinical Commissioning Group in accordance with the Committee's terms of reference and schemes of delegation

For a detailed reference and terms and condition of these committees please refer to [Part 3](#) of the Constitution.

Proceedings of Cabinet

- 5.14 Proceedings of Cabinet meetings shall take place in accordance with the Cabinet Procedure Rules set out in [Part 4](#) of this Constitution.

Responsibility for functions

- 5.15 The Elected Mayor will notify the Monitoring Officer of their scheme of delegation, which will set out which individual Councillors of the Cabinet, Committees, Officers or joint arrangements are responsible for the exercise of particular Cabinet functions. They will notify the Monitoring Officer of any changes to the scheme within 48 hours of the changes taking effect.

Deputy Mayor

- 5.16 **Appointment** - At the first AGM of Full Council after their election, the Elected Mayor will appoint one of the Councillors of the Cabinet to act as [Deputy Mayor](#) (as defined by legislation).
- 5.17 **Term of office** – The Deputy Mayor will hold office until the end of the Elected Mayor’s term of office unless they are no longer a Councillor of the authority or the Cabinet, they resign as Deputy Mayor, or are removed by the Elected Mayor from the office of Deputy Mayor.
- 5.18 **Duties of the Deputy Mayor** – The Deputy Mayor, as referred to in paragraph 5.3 above, will deputise for the Elected Mayor or act in their absence and in this capacity will exercise all of the powers of the Elected Mayor. The Deputy Mayor will also serve on any bodies and undertake any tasks, or hold any positions or responsibility assigned to them by the Elected Mayor.
- 5.19 **Removal from office** – The Elected Mayor will notify the Monitoring Officer and the next Full Council meeting if they have appointed a new Deputy Mayor.

Mayoral Advisors

- 5.20 The Elected Mayor may appoint any number of [Mayoral Advisors](#) who may attend and contribute to meetings of the Executive. Mayoral Advisors will be given a brief by the Elected Mayor to support the duties of the Elected Mayor and will be entitled to receive an allowance in accordance with the Members’ Allowance Scheme set out in [Part 6](#) of this Constitution.
- 5.21 Mayoral Advisors shall have no voting rights at Cabinet Meetings.
- 5.22 The Monitoring Officer will maintain a list of Mayoral Advisors as notified by the Elected Mayor from time to time.

Article 6 - The Speaker

- 6.1 The [Speaker](#) and [Deputy Speaker](#) will be elected by Full Council annually and will act as the Council's Civic Ambassadors. The Speaker will be the London Borough of Hackney's 'First Citizen'.
- 6.2 The Speaker (and in their absence, the Deputy Speaker), will have the following responsibilities:
- i) Together with the Elected Mayor, promote the Council as a whole and act as a focal point for the community;
 - ii) To promote public involvement in the Council's activities;
 - iii) To attend such civic and ceremonial functions as the Council and Elected Mayor determine appropriate;
 - iv) To be the guardian of the democratic process of the Council and all rights as laid out in the Constitution;
 - v) To uphold and promote the purposes of the Constitution and to interpret the Constitution on the advice of the [Monitoring Officer](#) when necessary;
 - vi) To preside over meetings of the Full Council so that its business can be carried out efficiently, and having appropriate regard to the rights of councillors and the interests of the community;
 - vii) To ensure that Full Council meetings are a forum for a debate of matters of concern to the local community, and at which Councillors who are not Councillors of the Cabinet are able to hold the Cabinet to account;
 - viii) To be the Councillor with primary responsibility for twinning with other places which reflect the diversity of the borough. To take the lead, to support and participate in any twinning events or functions with other boroughs, organisations or individuals as appropriate. To also promote new twinning arrangements.

- 6.3 The Elected Mayor will not wear the Chains of Office. These will only be worn by the Speaker and Deputy Speaker when carrying out civic and ceremonial duties.

Article 7 - Overview and Scrutiny

The Overview and Scrutiny function is carried out by the [Scrutiny Panel](#) and the [Scrutiny Commissions](#). They are set up to hold the Elected Mayor and Cabinet to account. The role of Scrutiny is to be non-adversarial, non-partisan and act as a critical friend to challenge decision makers within the Council as well as external agencies.

7.1 The Council must appoint at least one Overview and Scrutiny Committee to: -

- i) Hold the Cabinet to account, by examining decisions that are about to be taken; taken but not yet implemented (known as the call-in process); and that have been implemented (post-hoc review) in connection with the discharge of any functions which are the responsibility of the Cabinet;
- ii) Review the general policy framework document and policies generally and make suggestions for improving them;
- iii) Contribute to continuous improvement in service delivery through consideration of service delivery performance, participation in Service and value for money reviews, and investigations of budgets;
- iv) Review and make recommendations relating to the discharge of non-executive (regulatory) functions;
- v) Consider and make recommendations to Full Council and external partner stakeholder organisations on any matters having a direct bearing on the economic, social or environmental well-being of Hackney Citizens;
- vi) In the case of the Health in Hackney Scrutiny Commission, to review and scrutinise matters relating to the health service in the authority's area and to make reports and recommendations on such matters in accordance with any Regulations and Directions made under the Health and Social Act 2001. The Health in Hackney scrutiny commission may, from time to time, decide to appoint a Joint Health Scrutiny Committee, which may involve one or more other local

authorities;

- vii) In the case of the Living in Hackney Scrutiny Commission, to review and scrutinise decisions made, or other actions taken, in connection with the discharge by the responsible authorities of their crime and disorder functions. To make reports or recommendations to Full Council and to provide copies of reports to such responsible authorities and co-operating persons and bodies as appropriate, in accordance with the Police and Justice Act 2006, with respect to the discharge of those functions;
- viii) Request information from relevant external partner authorities, invite interested parties to comment as appropriate and to make recommendations.
- ix) Consider any referral by a Councillor under the Councillor Call for Action, and if considered appropriate to scrutinise decisions and/or actions taken in relation to a matter;
- x) Consider matters referred to in accordance with the Council's Petition Scheme as set out in [Part 6](#) of this Constitution

7.2 The Scrutiny Panel and Commissions may make recommendations arising from such work to the Cabinet, Full Council and external partner / stakeholder organisations.

Attendance by Elected Mayor, Cabinet Councillors and other persons

7.3 The Scrutiny Panel and Commissions may require the Elected Mayor, Cabinet Councillors or Chief Officers to attend before it to answer questions and may invite other persons to attend meetings of the Commissions.

7.4 It shall be the duty of any Councillor or Officer to comply with any requirement so made.

7.5 A Councillor must not be involved in scrutinising a decision in which they had been directly involved.

- 7.6 A person is not obliged to answer any question. However, they would be entitled to refuse to answer a question in or for the purposes of proceedings in a court in England and Wales.

Role and Function of the Scrutiny Panel

- 7.7 The Council shall appoint a Scrutiny Panel to coordinate and oversee the work of the Scrutiny Commissions
- 7.8 The Panel will be responsible for establishing [task-finish scrutiny panels](#) and for considering a request made by any 5 non-executive Members for the call-in of a cabinet decision or a decision of the [Joint committee](#) of the Four Growth Boroughs. The Scrutiny Panel's terms of reference are set out in [Part 3](#) of the Constitution
- 7.9 The Scrutiny Panel shall comprise 9 Members, who cannot be Members of the Cabinet. It shall include the [Chairs](#) and [Vice-Chairs](#) of the Scrutiny Commissions and a Councillor of the larger opposition group, if not already represented as a Chair or Vice-Chair of a commission.
- 7.10 The Scrutiny Panel's Chair shall be a Member of the majority political group of the Council. Chairs of the Scrutiny Commissions are not eligible for the position of Chair of the Scrutiny Panel. The Vice-Chair of the Panel should be a member of the larger opposition party.
- 7.11 The Scrutiny Panel may invite the Elected Mayor and the Deputy Mayor to attend meetings of the Panel to assist in consideration of the scrutiny work programme, and how the Elected Mayor and Deputy Mayor can participate in the Panel's work programme. The Scrutiny Panel may also invite the chairs of the Audit and Corporate Committees to assist with discharging the functions of the Panel.

Role and function of the Scrutiny Commissions

- 7.12 Full Council will appoint the following Scrutiny Commissions as set out in the table below:

Commission	Scope
Living in Hackney Scrutiny Commission	Quality of life in local communities covering neighbourhoods, place, wellbeing and amenities.
Skills, Economy and Growth scrutiny Commission	Prosperity of the borough and development, in particular economic development, employment and large-scale schemes.
Health in Hackney Scrutiny Commission	Health Services, Adult Social Services, Older People
Children and Young People's Scrutiny Commission	Children and Young People, Hackney Learning Trust

7.13 The Children and Young People Scrutiny Commission shall include in its membership the following voting representatives: -

- a) One London Diocesan board for Schools (Church of England) representative;
- b) One Roman Catholic Westminster Diocesan Schools Commission representative;
- c) Two parent governor representatives: and the following non-voting representatives;
- d) One Orthodox Jewish community representative;
- e) One representative from the North London Muslim Community Centre;
- f) One representative from the Free Churches Group;

- g) One representative from the Hackney Schools Governors' Association; and
- h) Up to five representatives from either the Hackney Youth Parliament and/or the Hackney Care Council.

7.14 Within their terms of reference, the Scrutiny Commissions may: -

- i) Develop a rolling programme of scrutiny and review which shall be reviewed on a quarterly basis;
- ii) Exercise an overview of the Sustainable Community Strategy for the purpose of contributing to policy development;
- iii) Review and/or scrutinise decisions or actions relating to the discharge of the Council's functions within its terms of reference. This could include reviewing decisions before they have been taken (policy development) or after they have been implemented (post-hoc review);
- iv) Where referred to it, consider a request made by any 5 non-executive Members for the call-in of a Cabinet decision
- v) Make reports and / or recommendations to the Cabinet for possible forwarding to Full Council and/or the Cabinet, and/or Corporate Committee and/or any Ward Forum with the discharge of any [Council functions](#); and
- vi) Exercise responsibility for any resources made available to them.

Specific functions of Scrutiny Commissions

7.15 Scrutiny Commissions specific functions are: -

- i) **Policy Development and Review**

- To assist Full Council and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues;
- To conduct research and consult with the community on policy issues and options available to the Council;
- To consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- To liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- To consult or question councillors of the Cabinet and senior officers about their views on issues and proposals affecting the area.

ii) **Scrutiny**

- To review and scrutinise Cabinet decisions made by the Elected Mayor, the Cabinet, by an individual Councillor of the Cabinet, by a Committee of the Cabinet, or by an Officer of the Council;
- To review and scrutinise the work of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- To question Councillors of the Cabinet and senior Officers about their decisions and the performance of the services for which they are responsible, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions initiatives or projects;
- For the Health in Hackney Scrutiny Commission, to carry out health Scrutiny in accordance with Section 244 Regulations under that section of the National Health Services Act 2006 (as amended by the Local Government and Public Involvement in Health Act 2007 and the Health and Social Care Act 2012 relating to reviewing and scrutinising local health service matters). Where the proposal relates to more than one local authority area, it must be considered by a Joint Health Scrutiny Committee appointed by each of the local authorities in question;

- For the Living in Hackney Scrutiny Commission, to discharge the functions conferred under the Police and Justice Act 2006;
- To make recommendations to Cabinet arising from the outcome of the scrutiny process for possible forwarding to Full Council;
- To review and scrutinise the performance of other public bodies in the area, invite them to address the Scrutiny Commission, and prepare reports about their initiatives and performance;
- To gather evidence from any person or organisation outside the Council;
- To consider referrals from Ward Forums and Enhanced Tenants Residents Associations and initiate reviews of issues as deemed appropriate.

iii) **Community Representation**

- To promote and put into effect closer links between Overview and Scrutiny Members and Citizens;
- To encourage and stimulate an enhanced community representation role for Overview and Scrutiny Members including enhanced methods of consultation with local people;
- To liaise with the Council's consultative Ward Forums and Enhanced Tenants Residents Associations on matters that affect or are likely to affect the local area;
- To keep the Council's area-based governance arrangements under review and to make recommendations to the Scrutiny Panel, to the Cabinet and / or Full Council as to how participation in the democratic process by local people can be enhanced;
- To receive petitions, deputations and representations from local people and other stakeholders about matters of concern within the Scrutiny Commission's remit. Where considered appropriate, to refer them to the Cabinet, an appropriate Committee or Officer for action, with a recommendation for a report back if requested.

iv) **Developing the Work Programme**

In considering their work programme, the Scrutiny Commissions shall have regard to the following:

- Recommendations received from the Scrutiny Panel;
- Cross-cutting items proposed for the programme by the Scrutiny Panel;
- Petitions received from the public;
- The contents of the Cabinet Meetings and Key Decisions Notice;
- Issues emerging from the ward/representational role of any Councillor;
- Issues relating to Councillor Call for Action;
- Referrals made by Healthwatch Hackney relating to health and social care matters;
- Referrals by any Councillor of the Council on any matter relevant to the functions of the Scrutiny Commission;
- Referrals by any Councillor on a local crime and disorder matter;
- Referrals to it by Full Council, the Cabinet or another Committee;
- Issues which, whilst not the direct responsibility of the Council, have a direct bearing on the economic, social or environmental well-being of the borough's Citizens;
- Issues relating to Joint Overview and Scrutiny Committees.

Proceedings of Overview and Scrutiny

7.16 The Scrutiny Panel and Commissions will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in [Part 4](#) of this constitution

Article 8 – The Standards Committee and Independent Person

Role of the Standards Committee

- 8.1 Full Council has established a [Standards Committee](#) which works to promote high standards of conduct of the elected and co-opted members within the Council. The proceedings of the Standards Committee will be governed by the Council Procedure Rules set out in [Part 4](#) of this Constitution.
- 8.2 The Committee shall be composed of:
- i) The Cabinet Councillor who holds the ethical governance portfolio;
 - ii) Eight non-executive Members; and
 - iii) Up to six non-voting co-opted Members.
- 8.3 Full Council may not appoint a person as a non-voting [co-opted member](#) of the Standards Committee, or one of its Sub-Committees, unless the appointment is:
- i) Advertised in a local newspaper;
 - ii) Of a person who has submitted an application to the Council;
 - iii) Of a person interviewed and recommended for appointment by the Monitoring Officer or an Officer appointed by them;
 - iv) Of a person who has not been a Councillor or Officer of the Council in the five years immediately preceding the appointment;
 - v) Of a person who is not a close relative or close friend of a Councillor or Officer of the Council;
 - vi) Of a person who has the ability to consider and evaluate information and arguments and reach sound, justifiable and fair conclusions

based on that information;

- vii) Of a person who is independent of party politics; and
- viii) Of a person who is not a Councillor or Officer of another local authority.

8.4 The Standards Committee will appoint a Chair and Vice-Chair of the Committee annually from the group of elected councillors at the first meeting of the Committee after the Annual General Meeting of Full Council or at such other time a vacancy arises.

8.5 Co-opted members will not be entitled to vote at meetings of the Committee or its Sub-Committees. In the event of a vote being tied, the Chair will have the casting vote.

8.6 The Standards Committee will operate within the terms of reference, as detailed in [Part 3](#) of the Constitution.

Proceedings of the Standards Committee

8.7 Proceedings of the Standards Committee relating to complaints against Councillors shall take place in accordance with the requirements of the law.

Sub-Committees

8.8 The Committee may appoint Sub-Committees to determine complaints against the Elected Mayor and Councillors and/or to discharge any of its other functions.

Independent Person

8.9 Full Council will appoint an [Independent Person](#) in accordance with section 28 of the Localism Act 2011.

Role of the Independent Person

- 8.10 The views of the Independent Person shall be sought and taken into account by the Council's Monitoring Officer before the Council makes its decision to investigate a complaint.
- 8.11 The Independent Person may be consulted by the Monitoring Officer on other allegations not covered in 8.10 above and may also be consulted by a Councillor or voting co-opted member of the authority who is the subject of a particular allegation.
- 8.12 The Independent Person, as part of an [Independent Panel](#), also has a role in providing Full Council with advice, views and recommendations on the proposed disciplinary action or dismissal of specified statutory senior officers in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Appointment of the Independent Person

- 8.13 Full Council may not appoint an Independent Person unless the appointment is:
- i) Advertised in a local newspaper;
 - ii) Of a person who has submitted an application to the Council;
 - iii) Of a person interviewed and recommended for appointment by the Monitoring Officer or an Officer appointed by them;
 - iv) Of a person who has not been a Councillor or Officer of the Council in the five years immediately preceding the appointment;
 - v) Of a person who is not a close relative or close friend of a Councillor or Officer of the Council;
 - vi) Of a person who has the ability to consider and evaluate information and arguments and reach sound, justifiable and fair conclusions

based on that information;

- vii) Of a person who is independent of party politics; and
- viii) Of a person who is not a Councillor or Officer of another local authority.
- ix) Of a person whose appointment is approved by a majority of Councillors at Full Council.

Article 9 – Council Committees and other bodies

9.1 Full Council has established the following [Committees](#) to help it perform its functions. The full terms of reference are contained in [Part 3](#) of the constitution.

9.1.1 **Appointments Committee**

The Appointments Committee is responsible for establishing Sub-Committees to appoint, discipline, and hear appeals from Chief Officers in accordance with the Officer Employment Procedure Rules set out in [Part 4](#) of this Constitution.

9.1.2 **Audit Committee**

The Audit Committee is responsible for assisting the Council in discharging its functions in relation to the Council's risk management framework, the internal financial and governance control environment and integrity of the financial reporting and annual governance processes.

9.1.3 **Constitution Committee**

The Constitution Committee is responsible for reviewing areas in the Constitution to ensure that they are fit for purpose. It also receives requests to review certain areas of the Constitution, considers changes proposed by Members, Officers and Committees. It recommends any proposed changes to Council for approval.

9.1.4 **Corporate Committee**

The Corporate Committee is responsible for maintaining oversight of the Council's regulatory functions, planning, elections and human resources. The Committee is also responsible for any other Council function that has not been specifically allocated to Full Council or any other committee.

The Corporate Committee will establish a planning Sub-Committee for the purposes of determining planning applications

in accordance with the Planning Sub-Committee terms of reference.

9.1.5 Health and Wellbeing Board

The Health and Wellbeing Board was established by the Health and Social Care Act 2012. It provides a forum in which the local authority and the Clinical Commissioning Group can carry out functions in relation to the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy.

It also provides a duty to encourage those arranging for the provision of health and social care services in the area to work in an integrated manner. It provides advice, assistance and arrangements under section 75 of the National Health Service Act 2006.

9.1.6 Licensing Committee

The Licensing Committee is the statutory body established by the Licensing Act 2003. It is also responsible for other statutory licensing functions. The Committee is responsible for developing and monitoring the Council's licensing function, which includes making recommendations on the Council's licensing and gambling policies. It has established Licensing Sub-Committees which are responsible for considering and determining applications, including those applications made under the Licensing Acts and the Gambling Act 2005.

9.1.7 Overview and Scrutiny

Scrutiny Panel and Scrutiny Commissions have been established to help hold the Cabinet to account and to assist with the development of Council policies.

9.1.8 Pensions Committee

The Pensions Committee acts as trustee of the Council's pension fund in accordance with legislation. The Committee is responsible for monitoring performance of the fund, setting and reviewing strategic objectives and appointing administrators, advisers, investment managers and custodians.

9.1.9 **Standards Committee**

The Standards Committee is responsible for promoting and maintaining high ethical standards at the Council.

9.1.10 **Council Advisory Board – Pensions Board**

The local Pensions Board, which is an advisory Board of the Council, is responsible for the governance and administration of the London Borough of Hackney's Pension Fund. The Pensions Board has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions (The Local Government Pension Scheme (Amendment) (Governance Regulations 2015)).

The Council as administering authority may determine the procedures applicable to the Pensions Board in accordance with The Local Government Pension Scheme (Amendment) (Governance) Regulations 2015. The Pensions Board will operate in accordance with its Terms of Reference contained in [Part 3](#) of this Constitution.

Terms of reference

- 9.2 All Council Committees and Sub-committees will operate in accordance with their respective [terms of reference](#) contained in [Part 3](#) of this Constitution.

Proceedings

- 9.3 Proceedings of these Committees and Sub-Committees shall take place in accordance with the Council Procedure Rules in [Part 4](#).

Article 10 – Ward Forums

Role and Function

- 10.1 The Council has 21 Wards. The Councillors in these Wards will form bodies known as Ward Forums.
- 10.2 They will represent and promote the needs of the ward within the Council.
- 10.3 They will meet three times a year at venues within the ward and will look at issues relating to Citizens.
- 10.4 The meetings will be led by the Councillors in each ward and will be supported by Council Officers. Ward Councillors will determine whether there will be specific roles for Citizens in managing the business of the Forum.
- 10.5 Councillors can opt to hold joint ward meetings if they so wish on a routine or case by case basis.

Delegation to Forums

- 10.6 Ward Forums have no delegated authority from the Cabinet or Full Council and therefore are not decision-making bodies.

Chair

- 10.7 Each Ward Forum will be chaired by a Councillor and will be elected by the Councillors present.

Meetings

- 10.8 Each Ward Forum will meet in public and each meeting will be advertised in advance. The principal objectives of the meetings will be to hear the views of Citizens to help improve the local area and to agree actions that can be taken to address issues that arise. The Councillors will set the agenda of the Ward Forum in advance of the meeting.

Access to information

- 10.9 Ward Forums will not be administered with reference to the Access to Information rules in [Part 4](#) of this Constitution.

Article 11 – Joint Arrangements

Arrangements to promote well-being

- 11.1 The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may;
- i) Enter into arrangements or agreements with any person or body;
 - ii) Co-operate with, facilitate or co-ordinate the activities of any person or body; and
 - iii) Exercise on behalf of that person or body any functions of that person or body.

Joint arrangements

- 11.2 The Council may establish joint arrangements with one or more local authorities and may authorise that the exercise of Cabinet and/or Council functions be undertaken pursuant to such arrangements. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 11.3 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of a joint committee with these other authorities to which the Cabinet may only appoint Cabinet councillors and those councillors need not reflect the political composition of the Council as a whole.
- 11.4 The Council may be required to form a Joint Health Scrutiny Committee with other boroughs during consultation with local providers and commissioners of health and social care services, when planning changes to the way they deliver services which could be considered to be substantial and arrange for a Joint Health Scrutiny Committee to review and scrutinise matters relating to the health service and make reports and recommendations on such matters. The process by which this is established shall be agreed by the Health in Hackney Scrutiny

Commission on a report from the Monitoring Officer.

- 11.5 If for reasons of urgency there is a need to establish a Joint Health Scrutiny Committee at short notice which may involve one or more other local authorities, the Monitoring Officer is authorised to make arrangements for establishing Joint Health Scrutiny Committees, as appropriate after consultation with the Chair and Vice-Chair of the Health in Hackney Scrutiny Commission.
- 11.6 Authorities responsible for crime and disorder strategies may require Full Council to appoint a Joint Crime and Disorder Committee and to arrange for crime and disorder scrutiny functions in relation to any (or all) of those Councils to be excisable by that Committee.

Delegation to and from other local authorities

- 11.7 Full Council may delegate non-executive functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- 11.8 Arrangements can be made for a non-executive function to be carried out by the Cabinet of another local authority if that function is the responsibility of that other authority's Cabinet.
- 11.9 The Cabinet may delegate executive functions to another local authority or the Cabinet of another local authority in certain circumstances.
- 11.10 The decision whether or not to accept such a delegation from another local authority shall be reserved to Full Council.

Delegation to and from other organisations

- 11.11 The Council may delegate non-executive functions to other organisations or boards where legislation allows.
- 11.12 The Cabinet may delegate executive functions to other organisations or boards where legislation allows.

11.13 The decision whether or not to accept such a delegation from another organisation or board shall be reserved to Full Council.

Article 12 – Officers

Management structure

- 12.1 General – The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.
- 12.2 [Chief Officers](#) – The Council will engage persons for the following posts, who will be designated statutory Chief Officers and will have the functions described in Article 12.5 – 12.43 below.
- i) [Head of Paid Service \(Chief Executive\)](#);
 - ii) [Monitoring Officer](#);
 - iii) [Chief Finance Officer](#);
 - iv) Director of Children’s Services;
 - v) Director of Adult Social Services; and
 - vi) [Director of Public Health](#).
- 12.3 The Head of Paid Service / Chief Executive may decide to appoint other Chief Officers. The Chief Executive will have the authority to vary the portfolios, functions and areas of responsibility of all Chief Officers.
- 12.4 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 1](#) of this Constitution.

Functions of the Head of Paid Service (Chief Executive)

- 12.5 A local authority is required to have a Head of Paid Service in accordance with section 4 of the Local Government and Housing Act 1989. The London Borough of Hackney has designated this function to the Chief

Executive.

- 12.6 Discharge of functions – The Head of Paid Service will report to Full Council, the Cabinet and other Committees as appropriate on the manner and the discharge of the Council’s functions, including the number and grade of officers required for the discharge of functions, the authorities’ staff and the appointment and management of staff.
- 12.7 Corporate management responsibility – The Head of Paid Service shall have overall corporate management and operational responsibility, including overall management responsibility for all staff. He will be responsible for the recruitment of all staff below Group Director Level except the Council’s Monitoring Officer and Director of Public Health.
- 12.8 Providing advice – The Head of Paid Service shall provide advice to all Members involved in the decision-making process (Full Council, the Elected Mayor, Cabinet, Scrutiny Commissions and any other Committee of the Council).
- 12.9 Service strategies – The Head of Paid Service shall advise and assist in formulating service policies and programmes which are affordable and effective. They will assist in implementing them, making the best use of available resources in achieving Council priorities.
- 12.10 Representing and Negotiating on behalf of the Council - The Head of Paid Service will be responsible for the representation and negotiations that take place on behalf of the Council with external bodies and networks
- 12.11 Emergency Powers – The Head of Paid Service has the power to act in cases of emergency or urgency to discharge all of the functions delegated to other Chief Officers in consultation with the Elected Mayor.
- 12.12 Restrictions on functions – The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant in accordance with section 5 (1A) Local Government and Housing Act 1989.

Functions of the Monitoring Officer

- 12.13 A Monitoring Officer is required under the Local Government and Housing Act 1989, as amended by the Local Government Act 2000. At the London Borough of Hackney this is the Director of Legal and Governance services.

Unlawfulness, maladministration or injustice by the Council

- 12.14 Where the proposal, decision or omission that has led to unlawfulness, maladministration or injustice is that of Full Council, its Committees, Sub-Committees, Officers or joint Committees, within 21 days of receiving the report it must be considered at a meeting of Full Council. The Council must also ensure that no further action is taken in respect of the proposal or decision until the report has been considered.
- 12.15 The Monitoring Officer's duties are also to ensure lawfulness and fairness of decision-making. After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer has a duty to report to Full Council, or to Cabinet in relation to a Cabinet 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. The Monitoring Officer has the duty to ensure that lawful and fair decisions are made.
- 12.16 The Monitoring Officer shall not have a duty to prepare a report with regard to maladministration and injustice unless a Local Commissioner has conducted an investigation (as provided for in Part III of the Local Government Act 1974) in relation to that proposal, decision or omission. When such a report is completed, the Monitoring Officer will ensure that a copy is sent to each member of the Council.

Unlawfulness, maladministration or injustice by the Elected Mayor or Cabinet

- 12.17 Where the proposal, decision or omission that has led to unlawfulness, maladministration or injustice is that of the Elected Mayor or Cabinet, within 21 days of receiving the report it must be considered at a meeting of the Cabinet. The Elected Mayor or Cabinet must also ensure that no

further action is taken in respect of the proposal or decision until the report has been considered.

12.18 As soon as practicable after the Cabinet has considered the Monitoring Officer's report, it shall prepare a report that will include:

- i) What action the Cabinet has taken in response to the report;
- ii) What action the Cabinet proposes to take in response to the report and when it proposes to take that action;
- iii) The reasons for taking that action, or the reasons for not taking any action.

As soon as practicable after the Cabinet has prepared this report, it shall arrange for a copy of the report to be circulated to all members of the Council and the Monitoring Officer.

Supporting the Standards Committee

12.19 The Monitoring Officer, together with the Independent Person, will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Maintaining the Constitution

12.20 The Monitoring Officer will maintain an up-to-date hard copy version of the Constitution and will ensure that it is widely available to Members, Officers and the public. The Monitoring Officer will also ensure that there is an up to date online version available on the Council's website.

Conducting investigations

12.21 The Monitoring Officer will arrange for the conduct of investigations, refer matters to the Independent Person and make reports or recommendations in respect of them to the Standards Committee.

Register of Interests

- 12.22 The Monitoring Officer will establish and maintain a register of interests of Councillors and voting co-opted members.

Proper Officer for access to information

- 12.23 The Monitoring Officer will ensure that all non-exempt or confidential Cabinet and Committee decisions, together with the reasons for those decisions and relevant Officer reports and background papers, are made publicly available as soon as possible.

12.24 Advising whether Cabinet decisions are within the budget and policy framework

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

Providing advice

- 12.25 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to full Council.

Restrictions on posts

- 12.26 The Monitoring Officer cannot be the Chief Finance Officer or the Head of the Paid Service.

Functions of the Chief Finance Officer

- 12.27 The Chief Finance Officer is appointed under Section 151 of the Local Government Act 1972 and at the London Borough of Hackney these functions are the responsibility of the Group Director of Finance and Corporate Resources.

- 12.28 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

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

Ensuring lawfulness and financial prudence of decision-making

- 12.30 After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council, or to Cabinet in relation to a Cabinet function, and to 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.
- 12.31 When the report is completed, the Chief Finance Officer shall send a copy of the current audit of the Council's accounts to each member of the Council.

Unlawful expenditure by the Cabinet

- 12.32 Where it has been considered that the Cabinet has spent unlawfully, the Cabinet must consider the report at a meeting where it will decide whether it agrees or disagrees with the views contained in the report. The Cabinet must also decide what action to take at a meeting of the Cabinet which must be held on, or within, 21 days from the day that the copies of the report are sent.
- 12.33 The course of conduct that is the subject of the report shall not be pursued during the "prohibition period". The "prohibition period" begins on the day that copies of the report are sent and ends on the first working day after the Cabinet has concluded its consideration of the report.
- 12.34 If the Cabinet does pursue the course of conduct (i.e. makes a payment) that is the subject of the report during the prohibited period, it shall be considered that the Cabinet did not have the power to make this payment.
- 12.35 As soon as practicable after the Cabinet has considered the Chief Finance Officer's report it shall prepare a report that will include:

- i) What action the Cabinet has taken in response to the report;
- ii) What action the Cabinet proposes to take in response to the report and when it proposes to take that action;
- iii) The reasons for taking that action, or the reasons for not taking any action.

As soon as practicable after the Cabinet has prepared this report, it shall arrange for a copy of the report to be circulated to the person who has the duty to audit the Council's accounts, all Council Members and the Chief Finance Officer.

Unlawful expenditure by the Council

- 12.36 Where it has been considered that Full Council, its Committees, Sub-Committees, Officers or Joint Committees has spent unlawfully, Full Council must consider the report at a meeting where it will decide whether it agrees or disagrees with the views contained in the report. The Council must also decide on what action to take at a meeting of Full Council which must be held on, or within, 21 days from the day that the copies of the report are sent.
- 12.37 The course of conduct that is the subject of the report shall not be pursued during the "prohibition period". The "prohibition period" begins on the day that copies of the report are sent and ends on the first working day after Full Council has concluded its consideration of the report.
- 12.38 If the Council does pursue the course of conduct (i.e. makes a payment) that is the subject of the report during the prohibited period, it shall be considered that the Council did not have the power to make this payment.
- 12.39 The Chief Finance Officer will as soon as is reasonably practicable notify the auditor of the date, time and place of the proposed meeting. As soon as is reasonably practicable after the meeting, the Chief Finance Officer will notify its auditor of any decision made at the meeting.

Providing financial information

- 12.40 The Chief Finance Officer will provide financial information to the media, members of the public and the community.

Functions of the Director of Children's Services

- 12.41 Every top-tier or unitary local authority in England is required by the Children Act 2004 to appoint a Director of Children's Services and to designate a lead Councillor for children's services in accordance with s 18 Children's Act 2004.
- 12.42 At the London Borough of Hackney, the Group Director of Children and Education is the designated Director of Children's Services. As such, they will be accountable for the delivery of education and social services functions for children, and any health functions for children delegated to the authority by an NHS body.

Functions of the Director of Adult Social Services

- 12.43 Section 6 of the Local Authority Social Services Act 1970, as amended by the Children Act 2004, requires the appointment of an Officer, to be known as the Director of Adult Social Services. The Authority shall also secure the provision of adequate staff to assist the Director of Adult Social Services in the discharge of their functions.
- 12.44 At the London Borough of Hackney, the Group Director of Adults, Health and Integration is the designated Director of Adult Social Services and responsible for all of the authority's social services functions, other than those for which the authority's Director of Children's Services is responsible under Section 18 of the Children Act 2004.

Functions of the Director of Public Health

- 12.45 Full Council must in accordance with Part 3 of the National Health Service Act 2006, as amended by paragraph 30 of the Health and Social Care Act 2012, acting jointly with the Secretary of State, appoint an Officer to be known as the Director of Public Health. The Director of Public Health has been added to the list of statutory Chief Officers in the Local Government

and Housing Act 1989. The Director of Public Health for London Borough of Hackney is jointly appointed with the City of London Corporation and provides system-wide leadership to secure better health for the populations across both Hackney and the City.

12.46 The responsibilities of the Director of Public Health are broadly to implement all the health improvement and public health duties of local authorities. The responsibilities of the Director of Public Health include:

- a) The health improvement duties that the National Health Service Act 2006, as amended by the Health and Social Care Act 2012, places on local authorities;
- b) The exercise of any public health functions of the Secretary of State which the Secretary of State requires the local authority to exercise by regulations under section 6C of the National Health Service Act 2006; or by arrangement
- c) Any public health activity undertaken by the local authority under arrangements with the Secretary of State;
- d) Local authority functions in relation to planning for and responding to, emergencies that present a risk to public health;
- e) The local authority role in cooperating with police, probation and prison services in relation to assessing risks of violent or sexual offenders; and
- f) Other public health functions that the Secretary of State may specify in regulations.

The Council's duties to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

12.47 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.

Conduct

- 12.48 All officers will comply with the Council's Employee Code of Conduct, the Members Code of Conduct and the Protocol on Officer/Member Relations. The protocol is set out in [Part 5](#) of this Constitution

Employment

- 12.49 The recruitment, selection and disciplinary of Officers will comply with the Officer Employment Procedure Rules set out in [Part 4](#) of the Constitution.

Proper Officers

- 12.50 The Monitoring Officer will maintain a list of Proper Officers. This list can be found in [Part 3](#) of this Constitution.

Article 13 – Decision Making

Responsibility for decision-making

- 13.1 The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions, or for decisions relating to particular areas or functions. This record is set out in [Part 3](#) of the Constitution.
- 13.2 Notice of decisions to be taken and publication of decisions made will be in accordance with the Access to Information Procedure Rules set out in [Part 4](#) of the Constitution.

Principles of decision-making

- 13.3 All decisions of the Council will be made in accordance with the following principles:
- i) Proportionally (i.e. that action should be proportionate to the desired outcome);
 - ii) Due consultation and the taking of professional advice from Officers;
 - iii) Respect for human rights;
 - iv) A presumption in favour of openness;
 - v) Clarity of aims and desired outcomes;
 - vi) An explanation of what options were considered and the giving of reasons for a decision;
 - vii) Efficiency (decisions must not be unreasonably delayed).

Types of decision

Decisions reserved to Full Council

13.4 Decisions relating to the functions listed in [Article 4.6](#) will be made by Full Council and not delegated.

Key Decisions

- 13.5 A key decision is a Cabinet decision which is likely to
- i) Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decisions relates, or
 - ii) Be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.
- 13.6 Key Decisions can be taken by the Elected Mayor alone, Cabinet collectively, individual Cabinet councillors and Officers. Key Decisions must be taken in accordance with the requirements of the Access to Information Procedure Rules set out in [Part 4](#) of this constitution.

Decision-making by the Full Council

13.7 Subject to [Article 16](#), the Full Council meeting will follow the Council Procedure Rules set out in [Part 4](#) of this constitution when considering any matter.

Decision-making by the Cabinet

13.8 Subject to [Article 16](#), the Cabinet will follow the Executive Procedure Rules set out in [Part 4](#) of this constitution when considering any matter.

Executive decision-making by Officers under delegated authority

13.9 Officers making executive decisions under delegated authority will follow

the Executive Procedure Rules set out in [Part 4](#) of the constitution when considering a decision.

Decision-making by the Scrutiny Panel and Commissions

13.10 The Scrutiny Panel and Commissions will follow the Overview and Scrutiny Procedure Rules set out in [Part 4](#) of this constitution when considering any matter.

Decision-making by Council Committees and Sub-Committees

13.11 Subject to [Article 16](#), other Council Committees and Sub-Committees will follow the Council Procedure Rules set out in [Part 4](#) of this constitution.

Decision-making by Council bodies acting as tribunals

13.12 Council bodies or persons acting as a tribunal or in a quasi-judicial manner or determining / considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial. This is contained in Article 6 of the European Convention on Human Rights.

Article 14 – Finance, Contracts and Legal Matters

Financial management

14.1 The management of the Council’s financial affairs will be conducted in accordance with the financial standing orders set out in [Part 4](#) of the constitution.

Contracts

14.2 Every contract made by the Council will comply with the [Contract Standing Orders](#) set out in [Part 4](#) of this constitution.

Legal Procedures

14.3 The Director of Legal and Governance is authorised to:

- i) Issue, defend, settle or participate in any legal proceedings and legal procedure where such action is necessary to give effect to the decisions of the Council, or in any case where the Director of Legal and Governance considers that such action is necessary to protect the Council’s interests;
- ii) Prepare any legal document or agreement;
- iii) Sign any legal document on behalf of the Council;
- iv) Witness the affixing of the Council’s seal;
- v) Register, enforce and charge on the title of any property, in conjunction with the relevant Cabinet Councillor;
- vi) Consent to the registration of other charges on the title of any property where the Council already holds a charge;

- vii) Take out letters of administration or grant of probate on behalf of the Council;
- viii) Nominate assistant Chief Officers responsible for the management of operations in connection with the exercise of their regulatory powers;
- ix) Instruct Counsel and external solicitors;
- x) Engage professional experts and witnesses;
- xi) Waive, alter or modify public hearing procedure rules and rules governing applications for licences, registrations and consents.

Authentication of documents

- 14.4 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Legal and Governance or other person(s) authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to another person.
- 14.5 Any contract entered into on behalf of the local authority in the course of the discharge of a Council function will be made in writing. Any contract entered into on behalf of the Local Authority valued at £500,000 or more, all High Risk Contracts, Civic Agreements or where there is no price or other tangible consideration or as may be recognised in law, must be made under the Common seal of the Council, attested by at least one Officer authorised for the purpose.

Common seal of the Council

- 14.6 The Common Seal of the Council will be kept in a safe place in the custody of the Director of Legal and Governance. A decision of the Council, or of any part of, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Director of Legal and Governance should be sealed. The affixing of the Common Seal will be attested by the

Director of Legal and Governance or some other person authorised by them.

Article 15 – Review and Revision of the Constitution

Duty to monitor and review the Constitution

- 15.1 The [Monitoring Officer](#) will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 15.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by Full Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:
- i) Observe meetings of different parts of the Council and Officer structure;
 - ii) Undertake an audit trail of a sample of decisions;
 - iii) Record and analyse issues raised with them by Councillors, co-opted Members, Officers, the public and other relevant stakeholders; and
 - iv) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Changes to the Constitution

- 15.3 Changes to the Constitution will only be approved by Full Council. Where such changes are related to ethical governance issues, the proposal must first be considered by the Standards Committee.
- 15.4 Unless the change relates only to the operation of Overview and Scrutiny functions, any resolution of Full Council to approve a change will have no effect without the written consent of the Elected Mayor.
- 15.5 The Monitoring Officer is authorised to make minor amendments, consequential upon statutory or regulatory change, or to rectify errors, or

to update arrangements consequential upon other factors.

- 15.6 To change from a Mayoral form of Cabinet to another form of executive or to alternative arrangements, the Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum. The change will not take effect until the end of an Elected Mayor's term of office.

Article 16 – Suspension, Interpretation and Publication of the Constitution

Suspension of the Constitution

16.1 Limit to suspension

The [Articles](#) of this Constitution may not be suspended. The Rules specified below may be suspended by Full Council to the extent permitted within those Rules and the law. However, the Procedure Rules specified in [Part 4](#) of the Constitution may be suspended by Full Council to the extent permitted within those rules and the law.

16.2 Procedure to suspend

A motion to suspend any of the [Council Procedure Rules](#) set out in [Part 4](#) of the Constitution will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in [Article 1](#).

16.3 Rules capable of suspension

The following Council Procedure Rules may be suspended in accordance with Article 16.1:

- i) Duration of meeting (Rule 8);
- ii) Questions by the Public (Rule 10);
- iii) Questions by councillors – except there shall be no suspension in respect of extending the time for Councillors' questions (Rule 11);
- iv) Deputation (Rule 12);
- v) Petitions (Rule 13);
- vi) Total Time for Consideration of Motions (Rule 15.8);

- vii) Total Time for Consideration of Motions (Rule 15.8);
- viii) Debating reports (Rule 19); and
- ix) Previous decisions and motions (Rule 21).

Interpretation

- 16.4 The ruling of the Speaker as to the construction or application of this Constitution or as to any proceedings of Full Council shall not be challenged at any meeting of Full Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

Publication

- 16.5 A copy of the Constitution shall be made available to Councillors upon request.
- 16.6 The Monitoring Officer will ensure that copies are available for inspection at Hackney Town Hall, and, other appropriate locations including on the Council's website, Paper copies can be purchased by the local press and the public on payment of a reasonable fee.

This page is intentionally left blank