



CONSTITUTION COMMITTEE

Monday 30 January 2023
at 5.30 pm Room 102, Hackney Town
Hall, Mare Street, London E8 1EA

The live stream can be viewed here:

<https://youtu.be/8vGCbhxuMAE> or
<https://youtu.be/TwFOwwTUpmE>

Members of the Committee:

Councillor Alastair Binnie-Lubbock
Deputy Mayor Anntoinette Bramble
Councillor Margaret Gordon
Councillor Ian Rathbone
Councillor Simche Steinberger
Councillor Lynne Troughton

Mark Carroll
Chief Executive
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Contact: Rabiya Khatun
Governance Officer
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Constitution Committee

Monday 30 January 2023

Agenda

- 1 Apologies For Absence**
- 2 Declarations of Interest - Members to declare as appropriate**
- 3 Consideration Of The Minutes Of The Previous Meeting - 13 July 2022
(Pages 7 - 12)**
- 4 Constitution Review (Pages 13 - 158)**
- 5 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 of 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 JULY 2022

Link to live stream: <https://youtu.be/s0wSNe3uzRo>

Councillors Present: Deputy Mayor Cllr Anntoinette Bramble in the Chair
Cllr Margaret Gordon, Cllr Ian Rathbone and Cllr Lynne Troughton

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

1 To elect the Chair and Vice-Chair for the Municipal Year 2022/23

RESOLVED:

To note the confirmed appointment to the position of Chair, Deputy Mayor Councillor Anntoinette Bramble and the position of Vice-Chair, Councillor Margaret Gordon for the Municipal Year 2022/23, as agreed by Full Council at its Annual Meeting on 25 May 2022.

2 Apologies For Absence

2.1 There were no apologies for absence.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

3.2 Deputy Mayor Councillor Bramble declared that she was a Vice Deputy Vice Chair of the Local Government Association (LGA) Cross Party Board.

4 Consideration Of The Minutes Of The Previous Meeting

4.1 Members considered the previous minutes of the meeting held on 13 April 2022.

RESOLVED:

That the minutes of the Pensions Committee held on 13 April 2022 were approved as a correct record.

5 Ward Forums Support

- 5.1 The Head of Policy and Strategic Delivery introduced the report highlighting how meetings operated, frequency of meetings annually and the resources available to support future meetings.
- 5.2 The Head of Policy and Strategic Delivery advised that each Ward Forum received a budget of approximately £900 annually for meeting costs relating to marketing, publicity and venue bookings. There were no compulsory set number of meetings but during the pandemic more meetings were held virtually. The issues of resourcing and prioritisation remained. The next steps involved looking at the impact of Ward Forums and maintaining a light touch model that was scalable and based on one officer servicing an allocated number of meetings per Ward Forum. This model would also focus on community leadership and working dynamically with members of the council.
- 5.3 Members thanked officers for the support provided to Ward Forums over the years. It was emphasised that Ward Councillors had taken different approaches to engaging with residents during the pandemic, with some members holding online group surgeries and others continuing online Ward Forum meetings. A review of Ward Forums was currently being undertaken and members and officers' could get involved in the survey being carried out regarding the function of Ward Forums in the future.
- 5.4 Members sought further information regarding Ward Forums in particular the arrangements and notes of meetings, making reports available on the Council's website and to consider undertaking a survey of Members on their understanding of the functions of Ward Forums and the impact of Ward Forums on policy.
- 5.5 The Head of Policy and Strategic Delivery responded that since the cyber attack and 2021 all papers relating to Ward Forums were now published on the Council's Business page. However, there was no requirement to keep notes of the meetings or make them publicly available. In terms of resources, there had been additional pressure put on the Head of Scrutiny and Ward Forums with the team and wider service providing administration support and this support would be reviewed in the future. This led to a lack of time to deal with live issues, policy and strategy work.
- 5.6 With regard to marketing, the Head of Policy and Strategic Delivery had already undertaken work to move from Committee style meetings to encourage public participation but the survey had not received a good response. The Head of Policy and Strategic Delivery indicated that the Head Of Scrutiny And Ward Forums could liaise with the Chair to hold a workshop to seek members' views on review and new approaches to future meetings. There was a need for Ward Forums to be linked to issues impacting on the area and being more interactive.
- 5.7 The Head of Policy and Strategic Delivery and Head of Scrutiny and Ward Forums met fortnightly to discuss Ward Forum related issues and policy. There was quantitative data available from the community impact assessment and the

information provided from the voluntary community sector. It was important for members to have more information about the support in place for Ward Forums and to manage expectations, and to look at discussing live issues as meetings as people returned to face to face meetings.

ACTIONS:

1. The Head of Policy and Strategic Delivery in conjunction with the Chair to construct a letter from the Deputy Mayor outlining the changes and recirculating the survey to all Members outlining the support for Ward Forums and managing Ward Members' expectations.
2. The Head of Policy and Strategic Delivery/Head Of Scrutiny And Ward Forums to arrange a workshop and for all Members of the Council to be invited to discuss the future of Ward Forum meetings.
3. The Head of Policy and Strategic Delivery/Head of Scrutiny to recirculate the Ward Forum survey following the workshop.

RESOLVED:

To note the update provided in this report

6 Constitution Committee Terms of Reference and Work Programme for 2022 / 2023

- 6.1 The Head of Legal and Governance introduced the report requesting that the noting of the Terms of Reference be deferred to the next meeting following approval by Full Council on 20 July 2022.
- 6.2 The Head of Legal and Governance summarised the proposed work programme for the municipal year.

RESOLVED:

1. **To note 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. **The work programme for 2022 / 2023 as detailed in Appendix 1 to the report be approved.**

7 Constitution Review - Parts One and Two

- 7.1 The Deputy Mayor introduced the report setting out the review of Parts One (Your Council) and Two (Articles of Association) of the new Constitution and seeking members' comments.
- 7.2 Members suggested the following amendments:

Part One - Your Council

Section A

Paragraph 1.3

- Insert the word "directly" before Elected Mayor
- insert a link to Councillor's details

Paragraph 1.6

- Add reference to promoting equality among Citizens and in particular protected groups

- A new sub heading detailing Councillors responsibility
- Paragraph 1.7
- First Citizen to be in inverted comma
 - To amend to 'chairs' from 'leads'
 - Add reference to the ambassador's role of welcoming visitors to the Town Hall and the borough
 - To include examples of the role of the Speaker
- Paragraph 1.8
- Insert the word "directly" before Elected Mayor
- Paragraph 1.13
- Define Scrutiny Panel and Scrutiny Commissions in the glossary
 - In the first line delete the word "all"
- Paragraph 1.17
- To review the definition of an "Officer"
- Paragraph 1.19
- Paragraph 1.20
- To cross reference the relevant article setting out the Monitoring officer's remit to amend the Constitution

Section B

- Paragraph 1.11
- In the second line delete the comma following is
 - Clarify what is meant by budget and add a link to the Budget and Policy Framework
- Paragraph 1.19
- To replace the "Constitution" for 'this' in the second sentence.
- Paragraph 1.14
- To highlight this is a new section within the Constitution
 - To be more explicit about equalities and justice.

Section C

- First paragraph should include an opening statement of a "Citizen" and definition of citizen to be reviewed by officers
- Paragraph 1.2
- To expand the definition of citizen to include anyone not living in Hackney
- Paragraph 1.3
- In the final bullet point after school add the words "to receive education"
- Paragraph 1.4
- In the first bullet point after 'anyone' add the words "in dealing with the council"

Part Two - Articles of the Constitution

Article 1

- Paragraph 2.3
- In bullet point six, provide an explanation of personal and non-personal interest.

Article 2

- Paragraph 2.4
- A qualifying statement is needed to ensure citizens understood that access/participation could be restricted and that they do not have the rights of ETAs
- Paragraph 2.6
- To add a bullet point to report a complaint by telephone and include a contact number

Article 3

Paragraphs 3.4 & 3.5

- To undertake further research with other local authorities on how opposition groups

Paragraphs 4.7b & c

- Explain about the Secretary of State
- The election of Mayor to be moved up in the constitution

Article 5

Paragraph 5.3

- Explain what is a statutory Deputy Mayor

Article 7

Paragraph

- Explain what are Scrutiny Panel and Scrutiny Commissions

Paragraph 7.1

- To amend Committee to Commission

Article 10

The section on Ward Forums would need to be reviewed following the workshop

Paragraph 10.4

- To amend 'Citizen' to 'citizen'

Paragraph 10.7

- A discussion on the future chairing of Ward Forums is necessary at the workshop.

Article 15

Paragraph 15.5

- At bullet point 5, provide an example of external factors
- Cross reference Monitoring Officer to earlier sections of the Constitution

Article 16

Paragraph 16.4

- To reword and clarify the paragraph and possibly add the following explanation " A member can request an explanation of the Speaker/Chair's ruling but once the Speaker/Chair's has ruled on the interpretation being applied to the meeting, then to ensure good conduct of a meeting members should not debate whether a ruling is correct. It is a function of the Speaker/Chair to be in control of a meeting and to avoid any debates on the interpretation of a ruling to enable the meeting to transact the items of business on the agenda."

7.3 Members indicated that a glossary would assist the public in understanding the constitution

ACTIONS:

1. The Head of Legal and Governance to review the relevant scrutiny sections in the Constitution with the Scrutiny Leads.
- 2 The Head of Legal and Governance to circulate a further draft of Parts One (Your Council) and Two (Articles of Association) for further comments or amendments.

(Councillor Gordon left the meeting at 19.00 hours)

RESOLVED:

The Committee considered the overall proposed presentational style and draft wording for Parts One and Two of the revised Constitution and provided any

comments or observations to be taken forward by the Constitution Officer Working Group.

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

8.1 There was no other business.

Duration of the meeting: 17.30 - 19.22 hours



Title of Report	Constitution Review
For Consideration By	Constitution Committee
Meeting Date	30 January 2023
Classification	Open
<u>Ward(s) Affected</u>	N / A
Director	Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services

1. **Introduction**

- 1.1. This report updates Members of the Constitution Committee on progress by the Constitution Officer Working Group (“COWG”) with the review of the Council’s Constitution and presents first and final drafts of various sections for review and approval (as appropriate).
- 1.2. A meeting to discuss general arrangements for meetings of this Committee and the timetable towards adoption of the new Constitution by Full Council was held with the Chair and Vice-Chair of the Committee earlier this month. In order to better facilitate the Committee’s discussions, both the Chair and Vice-Chair advocated that we extend the date for the adoption of the new Constitution to July 2023 which will give the Committee further opportunities to reflect on proposed changes; and will also provide opportunities to engage with Scrutiny, the Youth Parliament and undertake a period of soft public engagement.
- 1.3. With regards to the format of meetings of the Committee going forward, it has been agreed by the Chair and Vice-Chair that a ‘page turn’ approach will not be adopted. Officers will instead:
 - Present an outline of what the relevant Part / Section is intended to do;
 - Highlight any significant proposed changes from the current Constitution; and
 - Raise issues / queries for discussion by the Committee to aid officers with future amendments.

2. **Recommendations**

- 2.1. **That the Committee approve the final drafts of Parts One and Two of the Constitution appended to this report as Appendices 2 and 3, noting that Officers will insert cross-references at a later stage and will continue to review the documents for typographical errors and plain English / grammatical improvements.**
- 2.2. **That the Committee consider and provide comments / observations on the first drafts of those Parts and Sections appended to the report as Appendices 4 to 9.**
- 2.3. **That the Committee endorse the revised timetable leading to approval of the Constitution by Full Council in July 2023.**
- 2.4. **That the Committee agree additional meeting dates in April and May.**

3. **Background**

- 3.1. In order to assist members of the Committee with the arrangement of the new Constitution, the working draft index is appended to this report at Appendix 1.

Progress since last meeting

- 3.2. Since the last meeting of the Constitution Committee, the COWG has:
 - Further reviewed Parts One (Your Council) and Two (Articles of the Constitution) in light of the comments made by the Committee at its meeting on 23 July.
 - Reviewed the overarching content of Part Three and commenced a further review of the Terms of Reference of the Council's various committees etc to ensure that there will be consistency in format.
 - Reviewed the Council Procedure Rules and Cabinet Procedure Rules, which will sit within Part Four.
 - Working alongside colleagues from other Directorates, commenced reviews of the Overview and Scrutiny Procedure Rules, Call-in Procedure Rules, Budget and Policy Framework Rules which will sit within Part Four.
 - Working alongside colleagues from other Directorates, commenced reviews of the Council's Financial Procedure Rules and Contract Standing Orders which will sit within Part Five.
 - Completed first drafts of the content of new Part Six relating to Attendance at Meetings, Public Speaking, Access to Information, Petitions, Deputations and the Protocol for Livestreaming / Recording meetings.

- Completed a first draft of a new Monitoring Officer Protocol which will sit within Part Eight.
- Working alongside colleagues from other Directorates, commenced a review of the Licensing Code of Practice which will sit within Part Nine. Work to review the Planning Code of Practice was commenced prior to this Constitution Review and is nearing completion.
- Commenced work on drafting a Protocol on the Governance of Council Interests in Companies which will sit within Part Nine.
- Completed the first draft of the Protocol on Remote Attendance at Council Meetings which will sit within Part Nine.

Discussion points

- 3.3. The following section of the report references those matters which were the subject of substantive discussion at the previous Committee meeting (summer 2022) and either provides an explanation as to how the COWG propose to resolve those discussions or seek further guidance from the Committee.
- 3.4. **Your Council.** Members will recall the discussion around the definition of 'citizen' (those who live or work in the borough) at the last Committee. Following the meeting, the COWG reviewed the Constitutions of other local authorities by way of benchmarking to see how they defined the term. One authority (Buckinghamshire) uses the term 'residents' rather than 'citizens', but that would exclude those persons who may work in the borough but not live here. Most (for example, Newham, Waltham Forest, Southampton) do not define the term at all, but rather distinction between the various rights of citizens within the remainder of the text.
- 3.5. **Articles of the Constitution.** Members will recall the discussion concerning that part of Article 3 relating to political groups and how to refer to opposition groups when, as now, there is more than one opposition group and suggested that the COWG look back at earlier versions of the Constitution to see how the issue was addressed the last time there was more than one opposition groups. In 2011, Article 3 simply stated 'the opposition group(s) will be the party with a minority of members', with the glossary going on to explain that 'in the event of two opposition groups having equal numbers of members, the official opposition group will be the incumbent opposition group'. Thus it appears from that time that one opposition group would be viewed as being the 'official' opposition. The Constitution is silent as to how the other opposition group would be addressed. Due to the cyber attack, no versions of the Constitution other than those dating from 2010 and 2011 have been able to be located at the current time.

Substantive Amendments to Existing Parts / Sections

- 3.6. The following section of the report provides details of substantive amendments which have been made to various existing sections of the

Constitution. Members should note that amendments have also been proposed to the wording in order to provide the reader with greater clarity or to reflect the principles of plain English.

3.7. **Council Procedure Rules.**

- In respect of rules 9 and 10, Officers are proposing that the requirements around public and member questions be subject to some harmonisation, in particular around the length of the question itself. In addition, a further reason for refusing to accept a question is proposed where the question relates to ongoing legal proceedings in which the Council is involved to bring this into alignment with the Council's petition scheme; this is because the Council will be constrained about what can be said due to those proceedings.
- A similar amendment is proposed in respect of deputations (rule 11) as regards to reasons for not accepting a deputation.
- Rule 13 deals with Opposition Sponsored Business, currently the Constitution refers to such business being conducted at meetings which have been 'identified' for the inclusion of such business. However, in practice there is no such formal identification; it is therefore proposed that opposition sponsored business can be put forward for any meeting of Council, save the Annual Meeting and budget meeting. Harmonisation with questions, petitions and deputations as to the reasons for rejecting such business is also proposed. Finally, as regards opposition sponsored business, currently such debates will continue until the Speaker concludes that 'sufficient time' has been given which does not provide clarity for anyone; therefore an explicit time period is proposed to be introduced, in the same way as applies for questions, petitions and deputations.
- In rule 18 a specific reference to Lead Members / Committee Chairs introducing annual reports has been included as these reports are usually accompanied by a report prepared by the relevant Group Director as this reflects current practice.
- Rule 23 deals with the record of members' attendance at meetings. Many authorities have explicit requirements for members to be in attendance for a certain length of time in order for their attendance to 'count'. A similar approach is therefore being proposed.
- In rule 27 which deals with the suspension or amendment of the Council Procedure Rules, reference has been added to the ability to suspend the rules regarding the amount of time set aside for Motions. In light of the revised timetable for adoption of the new Constitution, this will also be taken forward at the Annual Meeting in May 2023 as an amendment to the existing Constitution.

- Existing rule 29 which concerns smoking at meetings is proposed to be deleted given that this is dealt with under legislation which prohibits smoking in the workplace and public buildings.
- Existing rule 30 (renumbered in new rules) which deals with the use of electronic communications devices has been rephrased to make it more relevant to how both elected members and officers use devices during meetings.

3.8. **Cabinet Procedure Rules.** The COWG is proposing that, where possible, Cabinet's procedure rules are aligned with Council procedure rules, e.g. questions, petitions, deputations. Similarly where the procedure rules are identical to those relating to Council then rather than stating them again in full, it is proposed to cross-reference to the relevant Council Procedure Rule with appropriate amendments. The rule relating to the items considered at Cabinet has been expanded upon to include all of the standing items that the meeting does, in fact, consider.

New Sections / Parts

- 3.9. **Public Participation (Part Six).** As referred to in previous Committee reports, this is an entirely new part to the Constitution aimed at providing members of the public with easy to access information as to how they can participate in the Council's decision-making processes. Up to now, members of the public have had to refer to information contained in various different parts of the Constitution and this will bring all of the information together in one place. Whilst this does have the effect of lengthening the Constitution due to repetition of certain information contained elsewhere, the COWG consider that this is more than offset by the benefits of the public being able to easily access this information.
- 3.10. **Monitoring Officer Protocol (Part Eight).** Benchmarking undertaken with other local authorities indicates that the majority include a Monitoring Officer Protocol within their Constitution which sets out the working arrangements and working relationships necessary for the Monitoring Officer to effectively discharge their statutory obligations. The COWG is therefore proposing that such a Protocol be introduced into the Council's Constitution.
- 3.11. **Protocol on Remote Attendance at Council Meetings (Part Nine).** Although the law currently does not permit the Council to conduct its Councils meetings through any other format than in person, it is recognised that elected members have come to value the option of being able to 'attend' a meeting remotely from time to time because of various other personal and professional commitments. Whilst members are aware of the legal constraints around such attendance and how the Council itself has elected to deal with such participation, the COWG considers that the Constitution should include a protocol so that the expectations and limitations are clear not only for elected members but also members of the public and other persons who may be interested in the conduct of Council meetings.

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 - Working draft index to new Constitution

Appendix 2 - Final draft for Part One (Your Council)

Appendix 3 - Final draft for Part Two (Articles of the Constitution)

Appendix 4 - Draft wording for Part Three (Responsibility for Functions)

Appendix 5 - Draft wording for Council Procedure Rules

Appendix 6 - Draft wording for Cabinet Procedure Rules

Appendix 7 - Draft wording for Part Six (Public Participation)

Appendix 8 - Draft wording for Monitoring Officer Protocol

Appendix 9 - Draft wording for Protocol on Remote Attendance at Council Meetings

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	Jackie Moylan Director, Financial Management

Corporate Resources prepared by	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

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Index for Hackney Council Constitution

WORKING DRAFT

Glossary

Part 1 - Your Council

Overview

Core Objectives and Principles of Decision Making

Citizens' Rights

Part 2 - Articles of the Constitution

Part 3 - Responsibility for Council and Executive Functions

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Terms of Reference of Committees (working on new format, content not to be amended as outside scope of review and ToR were reviewed by respective committees etc during 2021/2022)

Part 4 - Procedure Rules

Council Procedure Rules

Cabinet Procedure Rules

Budget and Policy Framework Procedure Rules

Overview and Scrutiny Procedure Rules

Call-in Procedure Rules (extracted from the O&SP Rules into a new section)

Part 5 - Finance and Contract Rules

Financial Procedure Rules

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Part 6 - Public Participation

Attendance at Meetings

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Part 8 - Officers

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Part 9 - Codes and Protocols

Planning Code of Practice

Licensing Code of Practice

Protocol on the Governance of Council Interests in Companies

Protocol on Remote Attendance at Council meetings

Appendices

A - Council (non-executive) Functions

B - Local Choice Functions

C - Terms of Reference of Council Committees etc

D - Proper Officer Functions

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 and wards 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 and acts as an ambassador for the Council locally, regionally and nationally. They are responsible for the ceremonial duties of the Council, which may include opening community buildings, welcoming visitors to the Town Hall and attending various community events. The Speaker is elected at the Annual Meeting of the Council and chairs meetings of the full Council.

The Elected Mayor and Cabinet

1.8 The Elected Mayor is the political leader of the Council and is directly elected by those residents in the borough who are on the electoral roll. They are responsible for the appointment of the Statutory 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 are entitled to 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 the Council to deliver services. It can include employees, contractors, consultants and agency staff. 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 Constitution 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. More information about the Monitoring Officer’s role can be found in Part X of this Constitution.

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 when a decision is made. 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.

Equalities

1.15 Decision makers must ensure that they consider how the decision will affect people who have protected characteristics under the Equality Act. The characteristics which are protected under the Act are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

Consultations

1.16 Decision makers must ensure that any consultations are properly undertaken at the appropriate time and in accordance with relevant law and guidance.

Evidence Based Decisions

1.17 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

1.18 Decision makers acting in a ‘judicial’ capacity, for instance when determining appeals, must observe the principles of “natural justice”.

1.19 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

- 1.20 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.
- 1.21 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

- 1.22 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.
- 1.23 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

- 1.24 Formal reports are used to record all decisions taken by Council, Cabinet and Committees.
- 1.25 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
- 1.26 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.

- 1.27 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.
- 1.28 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.
- 1.29 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.
- 1.30 Reports shall communicate all relevant factual information and professional opinions, together with appropriate recommendations.

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 in, works in, or visits 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 or the Elected Mayor about any relevant matters of concern to them;
- obtain a copy of the Constitution;
- find out, from the Forward Plan, what major executive decisions will be 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 if they are registered as an elector on the electoral roll;
- 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 if they are resident in the borough or an interested person and make their views known to the external auditor.

- submit petitions or form a deputation if they are resident in the borough;
- 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 receive an appropriate education.

1.4 When dealing with the Council, 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.

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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 when they are a resident of that ward;
- participate in Tenants Residents Associations when acting as open forums when they live in a property covered by a Tenants Resident Association;
- take up one or many roles, such as a co-opted member;
- respond to consultations and participate in a focus group or stakeholder group, or attend 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:

- contact the Elected Mayor and Ward Councillors;
- make a formal complaint using the Council's complaints procedure;
- make a complaint to the Ombudsman after using the Council's own complaints scheme;
- complain to the Monitoring Officer about a breach of the Councillor 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 the Elected Mayor or 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 Councillor 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 are 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 for Levelling Up, Housing and Communities 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 Levelling Up, Housing and Communities 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. 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.

FINAL

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:
- 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;
 - to set priorities that contribute to the life and development of the borough;
 - to appoint the Cabinet and the Statutory Deputy Mayor;
 - to determine a scheme of delegation for executive functions;
 - to chair meetings of the Cabinet;
 - to represent the Council on such external bodies as they decide;
 - to represent the interests of Hackney to the government and other partners and stakeholders;

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

- is subject to the same rules about qualification and disqualification as any Councillor;
- must follow the rules about disclosure of interests and comply with the #Councillor Code of Conduct set out in Part X of this Constitution;
- 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;
- is subject to the Members' Allowances Scheme set out in Part X of the Constitution; and
- 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 by the Elected Mayor. 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.

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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 body 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 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.

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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

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

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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 an executive 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 made by the Elected Mayor alone, by Cabinet collectively, by any executive committees, by individual Cabinet Councillors and by Officers. 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 of Legal, Democratic and Electoral Services 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 legislation, including new or amending 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.

- 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.

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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, the Speaker or Chair is responsible for rulings as to the construction, interpretation or application of the Constitution having taken advice from the Monitoring Officer or legal adviser. A member may request an explanation from the Speaker or Chair as to their ruling, but once an explanation has been provided the ruling will be final.

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 press and the public on payment of a reasonable fee.

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Part Three - Responsibility for Functions

Introduction

- 1.1 Local authority functions are split between “executive functions”, which are the responsibility of the Mayor and Cabinet and “non-executive functions” which are the responsibility of Full Council and its committees.
- 1.2 Whether a function is an executive or non-executive function is specified in legislation - the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- 1.3 The Council is required to explain when a function is delegated to Committees, Sub-Committees, Panels, Board or Officers. The Council does this through the Terms of Reference of those Committees etc and in Schemes of Delegation to Officers.
- 1.4 The tables which appear in Appendix **A** of this Constitution set out how the Council has decided to allocate responsibility for non-executive functions. Where a table indicates that the function is exercisable by both a Committee or Sub-Committee and an Officer, the Officer may only exercise the function to the extent that is not covered within the terms of reference of the Committee or Sub-Committee.
- 1.5 The Elected Mayor is entitled to carry out all of the Council’s executive 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, by another Councillor of the Cabinet, by a Committee of the Cabinet, or by an Officer of the Council. The Elected Mayor will notify Full Council at the Annual Meeting of their scheme of delegation, which will set out which individual members of the Cabinet, Committees, officers or joint arrangements are responsible for the exercise of particular executive functions. The Elected Mayor will notify the Monitoring Officer of any changes to the scheme within 48 hours of any changes coming into effect.
- 1.6 In addition to executive and non-executive functions there are also ‘local choice’ functions and the Council is able to decide whether those functions should be exercised by the executive or by Council. The tables which appear in Appendix **B** of this Constitution set out how the Council has decided to allocate responsibility for these local choice functions.

Terms of reference of Full Council, Council Committees, Executive Committees etc

1.7 The terms of reference of Full Council and all of the various committees, sub-committees, commissions, boards etc are set out in alphabetical order in Appendix **C** of this Constitution.

Delegation to Officers

Delegation of executive functions

1.8 The Chief Executive may exercise any executive function in cases of extreme urgency.

1.9 In cases where the exercise of an executive function is not specifically reserved to the Elected Mayor, the wider Cabinet or a Committee of the Cabinet, then the function is delegated to and exercisable as follows:

- Any Group Director may exercise any executive function falling within their directorate or budget area;
- Any Group Director may exercise any executive function falling within such other corporate areas of responsibility to which a Group Director may be nominated from time to time;
- The Chief Executive may exercise any executive function in the absence of a relevant Chief Officer or nominate another Group Director to do so in the Chief Executive's absence;
- The Director of Legal, Democratic and Electoral Services shall have authority to issue, defend, settle or participate in any legal proceedings where such action is necessary to give effect to the decisions of the Council, or in any case where the Director of Legal, Democratic and Electoral Services considers that such action is necessary to protect the Council's interests;
- The Director of Legal, Democratic and Electoral Services shall have authority to prepare any legal agreement or document.

Delegation of non-executive functions to Officers

1.10 The Chief Executive may exercise any non-executive function in cases of extreme urgency.

1.11 In cases where the exercise of a non-executive function is not specifically reserved to Full Council or delegated to a Council committee by law or by this Constitution, the function is delegated to and exercisable as follows:

- Any Group Director may exercise any non-executive function falling within their directorate or budget area;

- Any Group Director may exercise any non-executive function falling within such other corporate areas of responsibility to which a Group Director may be nominated from time to time
- The Chief Executive may exercise any non-executive function in the absence of a relevant Group Director or nominate another Group Director to do so in the Chief Executive's absence.
- The Director of Legal, Democratic and Electoral Services shall have authority to issue, defend, settle or participate in any legal proceedings where such action is necessary to give effect to the decisions of the Council, or in any case where the Director of Legal, Democratic and Electoral Services considers that such action is necessary to protect the Council's interests;
- The Director of Legal, Democratic and Electoral Services shall have authority to prepare any legal agreement or document.

Schemes of delegations for each directorate

- 1.12 Each Group Director will establish a scheme of delegation for their directorate or budget area which specifies the function, names the post which may carry out that delegated decision and explain any limits on the delegation. The limits on delegation may include the obligation to consult, record and/or refer back to the Group Director in certain circumstances.
- 1.13 The Monitoring Officer will specify the format for the scheme of delegation and may issue guidance to Group Directors from time to time.
- 1.14 Each Group Director has a duty to review their directorate scheme of delegation at least half-yearly and otherwise keep their directorate scheme of delegation up to date to take account of any legislative changes, changes in job titles etc.
- 1.15 It is the responsibility of each Group Director to provide a copy of their directorate scheme of delegation to the Monitoring Officer within 2 working days of it being amended or updated.

Proper Officer Functions

- 1.16 Certain Officers, known as "Proper Officers", are designated to carry out certain functions. These functions appear in Appendix **D** of this Constitution.

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Part Four - Procedure Rules

Section A - Council Procedure Rules

The Council Procedure Rules explain:

- How Full Council meetings are conducted and managed and
- How these Rules are applied to meetings of committees and sub-committees.

Rule 1 - Annual Meeting

1.1 In a year when there is an ordinary election of the Elected Mayor and Councillors, the Annual Meeting will take place either:

- On the eighth day after the retirement of the outgoing Mayor / Councillors, or
- On any other day that the Council may fix within 21 days following the retirement of the Mayor / Councillors.

1.2 In any other year, the Annual Meeting will usually take place on a date to be agreed in May.

Purpose of Annual Meeting

1.3 The Annual Meeting will:

- Elect a person to preside if the outgoing Speaker or Deputy Speaker is not present;
- Elect the Speaker;
- Elect the Deputy Speaker;
- In an election year, receive the report on the results of the elections of the Mayor and Councillors to the various wards in the borough and the acceptance of office of persons elected;
- Approve the minutes of the last Ordinary Meeting;
- Receive any announcements from the Speaker and / or Head of Paid Service;
- Establish Committees;
- Approve the membership of the established Committees and the nominations for the Chairs and Vice-Chairs of these Committees in accordance with legal rules regarding proportionately between the different political parties;

- Appoint substitutes to the established Committees, with the exception of the statutory Licensing Committee. Each party will have the same number of substitutes reflecting the full membership of the Committees;
- Receive nominations and appoint Councillors to serve on outside bodies where the appointment is the responsibility of Full Council;
- Receive a statement from the Elected Mayor outlining their priorities for the year ahead and, where appropriate, reflecting on the previous year. The Leader(s) of the Opposition Group(s) will be invited to respond;
- Be advised by the Elected Mayor about the composition of the Cabinet for the coming municipal year and the names of those persons they have chosen to be Councillors of the Cabinet, Mayoral Advisers and Mayoral Champions;
- Be advised by the Elected Mayor about the establishment of any Executive Committees for the coming year, and the names of Councillors they have chosen to be members of such Committees;
- Be advised by the Elected Mayor about the Scheme of Delegation for executive functions;
- Approve a calendar of Ordinary Meetings of Full Council for the year;
- Approve a calendar of Ordinary Meeting of Council Committees, Sub-Committees and the Executive for the municipal year; and
- Consider any additional business set out in the notice convening the meeting.

Rule 2 - Ordinary Meetings

2.1 Ordinary Meetings of the Full Council will take place in accordance with the calendar of meetings agreed at the Council's Annual Meeting. Ordinary meetings will:

- Elect a person to preside if the Speaker and Deputy Speaker are not present;
- Receive apologies;
- Receive any announcements from the Speaker;
- Approve the minutes of the previous Ordinary Meeting, any Extraordinary Meeting and, where relevant, the Annual Meeting;

- Receive any declarations of interest from elected members;
- Receive deputations or petitions of which notice has been given and which are included on the agenda;
- Receive questions from, and provide answers to, members of the public and Councillors which have been included on the Full Council agenda;
- Deal with any business outstanding from the last Full Council meeting;
- Receive a statement from the Elected Mayor (or the Statutory Deputy Mayor in the Elected Mayor's absence), should they wish to make such a statement. The Leader(s) of the Opposition Group(s) will be invited to respond;
- Receive any reports from the Cabinet, the Elected Mayor and Cabinet Councillors and the Council's Committees;
- Receive any reports from Officers;
- Receive reports from an Independent Panel on disciplinary action or dismissal of specified statutory senior officers;
- Consider any motions listed on the agenda;
- Agree any changes in membership or chairmanship of committees; and
- Consider any other business specified in the summons to the meeting.

2.2 The Speaker may vary the order of business and may take urgent items (as specified in the Access to Information Procedure Rules) at their discretion.

Rule 3 - Extraordinary Meetings

Calling Extraordinary Meetings

- 3.1 The following may request that the Monitoring Officer call a meeting of Full Council in addition to the ordinary meetings set out in the Council's calendar of meetings:
- i) Full Council by resolution;
 - ii) The Speaker;
 - iii) Any five elected members of the Council if;

- they have each signed a written request to call a meeting, providing reasons for that request, and sent this to the Speaker; and
- the Speaker has either refused to call a meeting or has failed to call a meeting within seven days of the date the request was sent.

3.2 The Monitoring Officer may call an extraordinary Full Council meeting.

Business

3.3 Only matters raised in the request for an extraordinary meeting may be discussed at that meeting.

Time and Place of extraordinary meetings

3.4 The Monitoring Officer will decide the time and place of any extraordinary meeting, after consultation with the Speaker.

Rule 4 - Notice of summons to meetings

4.1 The Chief Executive will give notice to the public of the time and place of any meeting, in accordance with the Access to Information Rules. At least five clear working days (not including the date of the meeting, the date of publication or bank holidays) in advance of a meeting, the Chief Executive will send a summons signed by them to every Councillor of the Council or leave it at their usual place of residence.

4.2 The summons will give the date, time and place of each meeting and specify the business to be considered and will be accompanied by such reports as are available. A Councillor may consent to the summons being transmitted in electronic form to a specified electronic address.

Rule 5 - Chair of meeting

5.1 The Speaker will preside at all meetings of Full Council if they are present.

5.2 If the Speaker is absent the Deputy Speaker will preside.

5.3 If the Deputy Speaker is unable or unwilling to preside, then Full Council shall appoint another elected member (other than the Elected Mayor, Statutory Deputy Mayor or any other Councillor of the Cabinet) to do so for the duration of the meeting.

- 5.4 The person presiding at the meeting may exercise any power or duty of the Speaker.

Rule 6 - Quorum

- 6.1 The quorum, or number of Members of Full Council needed to be present at a meeting for it to take place, is one quarter of the total number of elected members.
- 6.2 If there is no quorum when the meeting is due to start, those present will wait for 20 minutes to see if a quorum can be achieved. If after 20 minutes there is still no quorum, the meeting will be abandoned.
- 6.3 If, during any meeting a quorum is not present, the meeting will adjourn immediately for a maximum of 20 minutes. If during that time a quorum is achieved, the meeting will resume. If at the end of that time a quorum is not achieved, then the meeting will be abandoned.
- 6.4 Any business not carried out due to a lack of quorum will be adjourned to a specified date and time or the next ordinary meeting.

Rule 7 - Duration of Meeting

- 7.1 Meetings must end by 10pm. When the business of the meeting has not finished by 10pm, the meeting will be adjourned, or held over, to another agreed time, unless there is a motion, or request, for the meeting to continue. The request can be made without notice and must be seconded. The request must be made by 9:50pm. An extended meeting must conclude by 10:30pm.
- 7.2 Remaining business not dealt with under Rule 7.3 will be considered at a time and date fixed by the Speaker. If they do not fix a time and date, any remaining business not dealt with under Rule 7.3 will be considered at the next ordinary meeting.
- 7.3 At the end of the meeting, the remaining business on the agenda shall be dealt with as follows:
- i) If a report, a motion or an amendment to a motion is still being discussed, the Councillor speaking at the time may continue speaking for the remainder of the time allowed for speeches under these rules;

- ii) The relevant Councillor who moved the report or substantive motion shall have a right of reply before the motion or amendment is put to the vote. No other right to reply is allowed;
- iii) All outstanding reports shall be deemed to have been moved for adoption, and motions and amendments moved and seconded;
- iv) The Chair shall put the remaining matters on the agenda to the meeting in turn without discussion. Full Council will decide and, if necessary, vote on each item without discussion;
- v) Voting will be by show of hands with no questions or division, procedural or other motion being permitted. Any Councillor wishing to record personal dissent shall indicate forthwith to the chair;
- vi) Any outstanding individual Councillors motions are referred to a relevant committee or the Cabinet, unless the mover of the motion has requested that it be voted on at the meeting; and
- vii) When all motions and recommendations have been dealt with, the Chair will declare the meeting closed.

Rule 8 - Elected Mayor's statement

- 8.1 The Elected Mayor (or the Statutory Deputy Mayor in the Elected Mayor's absence) may make a statement at any Ordinary Meeting of Full Council on any issue.
- 8.2 Following this statement, the Leader(s) of the Opposition Group(s), or the Deputy Opposition Group Leader(s) in the Group Leader(s) absence, will be given the opportunity to respond.
- 8.3 Following the Opposition's right to respond, the Elected Mayor will have a right of reply.
- 8.4 All such speeches will follow the rules set out in Rule 17.4.

Rule 9 - Questions by the public

General

- 9.1 At ordinary meetings of the Full Council, any person who lives, works or studies in the Borough may ask questions of

- i) the Elected Mayor;
- ii) Councillors of the Cabinet;
- iii) Mayoral Advisors;
- iv) Committee Chairs; or
- v) Councillors as representatives on external bodies.

Notice of questions

- 9.2 A question may only be asked if the Monitoring Officer has received notice in writing or by email no later than 12 noon, four clear working days in advance of the Full Council meeting.
- 9.3 The notice must state which elected member the question is to be addressed to and the name and address of the questioner.

Number and length of questions

- 9.4 No person may submit more than one question to a meeting of Full Council and the question shall be limited in length to fifty words.

Scope of questions

- 9.5 The Monitoring Officer may reject a question if it:
- i) Is not about a matter for which the local authority has a responsibility, or which affects the Borough;
 - ii) Is defamatory, frivolous, offensive or vexatious;
 - iii) Is substantially the same as a question, motion, petition or deputation which has been put at a Council meeting in the past six months;
 - iv) Requires the disclosure of confidential or exempt information or relates to a safeguarding matter;
 - v) Relates to an individual planning or licensing application; or
 - vi) Relates to something which is the subject of any actual or contemplated legal proceedings in which the Council is involved either as a claimant, defendant or interested party. This also includes any matters which are the subject of mediation.

- 9.6 The Monitoring Officer will include all valid questions on the Full Council agenda. When a question be rejected, the questioner will be advised in writing and given reasons for the rejection.

Order of questions

- 9.7 Questions will be asked in the order that they were received. If the Speaker decides that some questions are similar to others, they can group these together.

Asking the question at the meeting

- 9.8 The Speaker will invite the questioner to put the question to the elected member named in the agenda. If the person who has submitted the question is unable to be present at the meeting, the Speaker may:
- Ask the question on the questioner's behalf and invite the relevant elected member to respond;
 - Indicate that a written reply will be given; or
 - Decide that the question will not be dealt with.

Responses

- 9.9 An answer may take the form of:
- A direct verbal answer;
 - Where the reply cannot be given verbally, a promise that a response will be sent later to the question; or
 - Where the desired information is in a publication of the Council or other published work, a reference to that publication.
- 9.10 The Elected Mayor, Deputy Mayor, Councillor of the Cabinet or Mayoral Advisor may nominate a Councillor of the Cabinet or Mayoral Advisor to answer the question or any supplemental question if appropriate and the Chair of a Committee may likewise nominate another Councillor of the Council to reply.

Supplementary questions

- 9.11 The person asking a question may ask one supplementary question without notice to the Councillor to whom the first question was asked. A further supplementary question may be asked by any other Councillor, if the Speaker

agrees. Each supplementary, or additional, question must arise directly from the original question and must not be a speech or statement.

Timing

9.12 At each Full Council meeting a total of 30 minutes will be set aside for public questions. Any questions not addressed within this time will be dealt with by way of a written reply within 10 working days of the meeting.

9.13 Timing of questions:

- The initial reply will last up to five minutes;
- A supplementary question will last up to one minute; and
- Any reply to a supplementary question will last up to two minutes.

Reference of question to the Elected Mayor or Cabinet or a Committee

9.14 No discussion will take place on any question, unless the Speaker decides otherwise. However, any elected member may ask that a matter raised by a question be referred to Cabinet, the appropriate Committee or Sub-Committee. Once seconded, the motion will be voted on without discussion.

Rule 10 - Questions by Councillors

General

10.1 A member of the Council may ask any question in relation to their role as the Council's representatives on any outside body. They may also ask a question on any matter in relation to which the Council has powers or duties, or which affects Hackney of:

- i) The Speaker
- ii) The Elected Mayor
- iii) A member of the Cabinet
- iv) A Mayoral Advisor
- v) The Chair of any Committee or Sub-Committee

Notice of questions

- 10.2 A question may only be asked if the Monitoring Officer has received notice in writing or by email no later than 12 noon, eight clear working days in advance of the Full Council meeting.
- 10.3 The notice must state which elected member the question is to be addressed.

Number and length of questions

- 10.4 A Councillor may ask a maximum of two questions per meeting and each question shall be limited in length to fifty words.

Scope of questions

- 10.5 The Monitoring Officer may reject a question if it:
- i) Is not about a matter for which the local authority has a responsibility, or which affects the Borough;
 - ii) Is defamatory, frivolous, offensive or vexatious;
 - iii) Is substantially the same as a question, motion, petition or deputation which has been put at a Council meeting in the past six months;
 - iv) Requires the disclosure of confidential or exempt information or relates to a safeguarding matter;
 - v) Relates to an individual planning or licensing application; or
 - vi) Relates to something which is the subject of any actual or contemplated legal proceedings in which the Council is involved either as a claimant, defendant or interested party. This also includes any matters which are the subject of mediation.
- 10.6 The Monitoring Officer will include all valid questions on the Full Council agenda. Should a question be rejected, the elected member will be advised in writing, including the reasons for the rejection.

Order of Questions

- 10.7 Questions will be placed on the Full Council agenda in the order that they are received by the Monitoring Officer. However, questions from the majority group and opposition groups will be alternated.

Asking the question at the meeting

- 10.8 The Speaker will ask the Councillor to put the question to the elected member named in the agenda. If the Councillor who submitted a question is not present when the question is called, the question may, with the consent of the Speaker, be asked by any other Councillor.

Responses

- 10.9 An answer may take the form of:
- Where the reply cannot be given verbally, a promise that a response will be sent later to the question; or
 - A direct verbal answer;
 - Where the desired information is in a publication of the Council or other published work, a reference to that publication.
- 10.10 The Elected Mayor, Deputy Mayor, Councillor of the Cabinet or Mayoral Advisor may nominate a Councillor of the Cabinet or Mayoral Advisor to answer the question or any supplemental question. The Chair of a Committee may nominate another Councillor of the Council to reply.

Supplementary Questions

- 10.11 A Councillor asking a question may ask one supplementary question without notice to the Councillor to whom the first question was asked. A further supplementary question may be asked by any other Councillor, if the Speaker agrees. Each supplementary question must arise directly from the original question and must not be a speech or statement.

Timing

- 10.12 At each Full Council meeting a total of 30 minutes will be set aside for public questions. Any questions not addressed within this time will be dealt with by way of a written reply within 10 working days of the meeting.
- 10.13 Timing of questions:
- The initial reply will last up to five minutes;
 - A supplementary question will last up to one minute; and
 - Any reply to a supplementary question will last up to two minutes.

Rule 11 - Deputations

11.1 Full Council may only receive a deputation if the Monitoring Officer has received a Notice of Deputation no later than 12-noon eight clear working days prior to the Full Council meeting.

11.2 No more than two deputations will be taken at each meeting of Full Council.

Notice of Deputation

11.3 The Notice of Deputation must be signed by no less than ten registered local government electors of the Borough. The Notice of Deputation must also state the subject of the deputation and the name of the Councillor who will introduce it.

11.4 The Councillor who is to introduce the deputation must sign the Notice of Deputation form to indicate their agreement to do so.

Scope of Deputation

11.5 The Monitoring Officer may reject a deputation if it:

- i) Is not about a matter for which the local authority has a responsibility, or which affects the Borough;
- ii) Is defamatory, frivolous, offensive or vexatious;
- iii) Is substantially the same as a question, motion, petition or deputation which has been put at a Council meeting in the past six months;
- iv) Requires the disclosure of confidential or exempt information or relates to a safeguarding matter;
- v) Relates to an individual planning or licensing application;
- vi) Relates to something which is the subject of any actual or contemplated legal proceedings in which the Council is involved either as a claimant, defendant or interested party; for the avoidance of doubt this also includes any matters which are the subject of mediation; or
- vi) Is submitted by or on behalf of a political party, or it is submitted on paper bearing the name, insignia or other identifier of a political party.

11.6 Upon receipt of a Notice of Deputation, the Monitoring Officer will decide whether it will appear on the agenda papers. In making that decision, the Monitoring Officer must have regard to:

- i) whether the subject matter of the deputation is an executive function, in which case the deputation should be referred to Cabinet; and
- ii) the other business to be considered at the meeting and the efficient conduct of the meeting.

A deputation will normally be accepted where there is an item on the agenda which relates to the same subject matter. Where there is no such item, the Monitoring Officer will consult with the relevant lead Cabinet Councillor and / or the Elected Mayor as to whether it should be heard at Full Council.

11.7 The deputation leader must be notified in writing as promptly if the deputation is not to be taken at the meeting.

Taking the Deputation at the Meeting

11.8 A maximum of 15 minutes will be allocated to each deputation.

11.10 Any Councillor shall be at liberty when the item is called by the Speaker, to move a motion without notice that the deputation:

- i) Should not be tabled at Full Council
- ii) That it be referred to either:
 - a) The Elected Mayor
 - b) Cabinet
 - c) Another Councillor of the Cabinet
 - d) A Mayoral Advisor
 - e) Committee of the Council
 - f) The Scrutiny Panel

This motion is to be seconded. Once seconded, the motion must be put to a vote with no debate of the motion.

11.11 The Deputation Leader will be given five minutes to introduce the deputation, following which elected Members may ask questions for a period of five minutes.

11.12 The Elected Mayor, relevant Councillor of the Cabinet or Mayoral Advisor shall be given the opportunity to respond to Full Council on the issues raised and advise Full Council what actions will be taken as a result of the deputation for a maximum of five minutes. Should no response be given at the meeting to which the deputation is put, a response should be given at the next ordinary meeting of Full Council.

11.13 A copy of the response will be sent to the Deputation Leader.

Rule 12 - Petitions

12.1 Full Council will consider petitions in accordance with the terms of the adopted Petitions Scheme set out in Part X of this Constitution.

Rule 13 - Opposition Sponsored Business

13.1 Opposition sponsored business may take place at any meeting of Full Council other than the budget setting meeting and the Annual Meeting

13.2 Any Opposition Group may notify the Monitoring Officer by 12 noon, eight clear working days in advance of the meeting of an item of business which that Group wishes to be included in the agenda for the meeting.

13.3 The Monitoring Officer will include the item on the agenda for the meeting but may reject an item if it:

- i) Is not about a matter for which the local authority has a responsibility, or which affects the Borough;
- ii) Is defamatory, frivolous, offensive or vexatious;
- iii) Is substantially the same as a question, motion, petition or deputation which has been put at a meeting of Full Council in the past six months;
- iv) Requires the disclosure of confidential or exempt information or relates to a safeguarding matter;
- v) Relates to an individual planning or licensing application; or
- vi) Relates to something which is the subject of any actual or contemplated legal proceedings in which the Council is involved either as a claimant, defendant or interested party; for the avoidance of doubt this also includes any matters which are the subject of mediation.

- 13.4 An item of opposition sponsored business is not a motion. If the Monitoring Officer considers that the notification from the Opposition Group is more appropriately treated as a motion, they will include it in the agenda as a motion.
- 13.5 A representative of the Opposition Group sponsoring the item will open the debate. No seconder is required.
- 13.6 The Speaker shall then invite Councillors to debate the item for a maximum of 10 minutes. Once the debate has been concluded, or the time period has expired, the Speaker shall formally move on to the next business.

Rule 14 - Motions

- 14.1 A Motion is about a matter for which the Council has a responsibility or which affects the Borough and is the subject of debate at a meeting of Full Council. A Motion can be to adopt a certain course of action, to do an act or to declare a particular attitude.

Notice of Motions

- 14.2 Other than those motions listed in Rule 15, a written notice of every Motion must be signed by at least two Councillors. It must be delivered to the Monitoring Officer not later than 12 noon, eight clear working days prior to the Full Council meeting (unless the following Monday is a bank holiday, in which case seven clear days).

Scope of Motions

- 14.3 The Monitoring Officer may reject a Motion if it:
- i) Is not about a matter for which the Council has a responsibility, or which affects the Borough;
 - ii) Is defamatory, frivolous, offensive or vexatious;
 - iii) Is substantially the same as a question, motion, petition or deputation which has been put at a meeting of Full Council in the past six months;
 - iv) Requires the disclosure of confidential or exempt information or relates to a safeguarding matter;
 - v) Relates to an individual planning or licensing application.
 - vi) Relates to something which is the subject of any actual or contemplated legal proceedings in which the Council is involved either as a claimant,

defendant or interested party; for the avoidance of doubt this also includes any matters which are the subject of mediation.

vii) Is not expressed in positive terms requiring the Council to adopt a certain course of action or to do some act or to declare a particular attitude.

14.4 The Monitoring Officer will include all valid motions on the Full Council agenda. Should a question be motions, the elected members will be advised in writing, including the reasons for the rejection.

14.5 The Motion will be listed on the agenda in the order in which the notice was received unless the elected members giving notice state in writing that they wish the motion to be considered at a later meeting.

Withdrawal of Motion

14.6 An elected member proposing a motion may withdraw it with the consent of both the meeting and the seconder. The meeting's consent or otherwise will be signified without discussion. No elected member may speak on the Motion after permission to withdraw has been sought unless permission is refused.

Rule 15 - Motions without notice

15.1 The following Motions may be moved and seconded without notice:

- To appoint a chair of the meeting;
- In relation to the accuracy of the minutes;
- To change the order of business in the agenda;
- To refer a matter to an appropriate body or individual;
- To appoint a committee or a Councillor to a position arising from an item on the summons for the meeting;
- To receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- To withdraw or amend a Motion;
- To proceed to the next business;
- That the question be now put;
- To adjourn a debate;

- To adjourn a meeting;
- To suspend a particular Council procedure rule;
- To continue the meeting beyond 10pm;
- To exclude the public and press in accordance with the Access to Information Rules;
- To not hear further a Councillor who has been named under Rule 26.3 (Councillor's Conduct) or to exclude them from the meeting under Rule 26.4.

Rule 16 - Procedure regarding motions

- 16.1 Any Councillor may move that a Motion be referred for consideration to the Cabinet, the Elected Mayor, another Councillor of the Cabinet, a Mayoral Advisor, a Committee of the Council, the Scrutiny Panel or the Scrutiny Commissions, as appropriate. The Motion, if seconded, shall be put and determined without discussion.
- 16.2 A Motion on any matter of which the Cabinet has decision-making powers shall only be referred to the Cabinet for consideration.
- 16.3 When a formal Motion is to be debated and the Councillor who gave notice of the motion is not present at the meeting, the Speaker may exercise discretion and call upon another Councillor of the Council to move the Motion.
- 16.4 The total time for consideration of Motions shall not exceed 30 minutes. Any formal Motion not debated shall stand referred, without discussion, to the next ordinary meeting of Full Council for discussion.

Moving and Seconding a Motion

- 16.5 A Motion is a formal proposal put to Full Council or a Committee. The Motion must be moved and seconded before it can be debated by the Councillors who gave notice, or, with the consent of Full Council by any other elected member.

Secunder of Motion - Right to speak

- 16.6 No Motion for main debate or motion for amendment shall be discussed unless it has been seconded. Any elected member who seconds a Motion or amendment may choose whether they wish to speak immediately after the proposer or reserve their speech until a later period in the debate.

Rule 17 - Rules of debate for motions

Right to require Motion in writing

- 17.1 The Speaker may require a notice of Motion to be written down and handed to them before it is discussed.

Content, conduct and length of speeches

- 17.2 Speeches must be directed to the question under discussion, or a personal explanation or point of order;
- 17.3 Councillors and officers at any meeting shall be addressed or referred to by their respective titles;
- 17.4 The Speaker will decide on the length of speeches;
- 17.5 Unless otherwise stated in these Rules, no speech may exceed 5 minutes or 10 minutes in the case of the Elected Mayor without the consent of Full Council.

When a Councillor may speak again

- 17.6 A Councillor who has spoken on a Motion may not speak again whilst it is in the subject of debate, except:
- To speak once on an amendment moved by another Councillor;
 - To move a further amendment if the Motion has been amended since they last spoke;
 - If their first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
 - In exercise of a right of reply;
 - On a point of order, naming the procedure rule on which they rely;
 - By way of personal explanation.

Amendments to motions

- 17.7 An amendment to a Motion moved by a Councillor and seconded by another Councillor shall be in writing and relevant to the Motion and shall either be:
- To refer the matter to an appropriate body or individual for consideration or reconsideration;
 - To leave out, insert or add words;

as long as the effect is not to negate the Motion.

- 17.8 Councillors who wish to propose an amendment to the Motion as printed on the agenda for full Council should provide a copy of the proposed amendment to the Monitoring Officer by noon the day before the Council meeting. This is to ensure that the proposed amendment can be circulated to all Councillors in readiness for the meeting itself.
- 17.9 Where proposed amendments are not received by the deadline, the Monitoring Officer, in consultation with The Speaker, may exercise their discretion to accept the proposed amendment if there are exceptional circumstances.
- 17.10 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 17.11 If an amendment is not carried, other amendments to the original motion may be moved.
- 17.12 If an amendment is carried, the Motion as amended takes the place of the original motion. This becomes the substantive Motion to which any further amendments are moved.
- 17.13 After an amendment has been carried the new substantive Motion shall be read out before accepting any further amendments. If there are none, put it to the vote.

Altering a Motion with notice

- 17.14 Where a Councillor has given notice, they may alter their Motion with the consent of the meeting. The meetings consent or otherwise will be signified without discussion. If the alteration is simply to accept an amendment proposed by another Councillor the consent of the meeting is not required.

Altering a Motion moved without notice

- 17.15 A Councillor may alter a Motion which they moved without notice, only with the consent of both the meeting and the seconder. The meeting's consent or otherwise will be signified without discussion. Only alterations which could be made as an amendment may be made.

Right of reply

- 17.16 The proposer of a Motion has the right to reply at the end of the debate before it is put to the vote where any elected member has spoken in opposition to the Motion.
- 17.17 The proposer shall not introduce new matters when exercising a right of reply.

Motions which may be moved during debate

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

- To withdraw or amend a Motion;
- To close the Motion (this must be seconded and vote has to take place);
- To proceed to the next business;
- That the question be now put;
- To adjourn the debate;
- To adjourn the meeting;
- To extend the time of the meeting;
- To implement the guillotine procedure;
- To exclude the public and press in accordance with the Access to Information Procedure Rules; or
- To not hear further a Councillor named under Rule 25.3 or to exclude them from the meeting under Rule 25.4. Rule 25.3 applies where the Councillor disregards the ruling of the speaker, behaves improperly, offensively or deliberately obstructs business. Rule 25.4 applies where a Councillor continues to behave inappropriately.

Closure Motions

17.19 A Councillor may move, without comment, the following Motions at the end of a speech of another Councillor:

- To proceed to the next business;
- That the question be now put;
- To adjourn the debate;
- To adjourn the meeting.

Point of Order

17.20 An elected member may raise a point of order at any time. The Speaker will hear it immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The elected member must indicate the Rule or law and the way in which they consider it has been broken. The ruling of the Speaker on the matter will be final.

Personal Explanation

17.21 An elected member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the elected member which may appear to have been

misunderstood in the present debate. The ruling of the Speaker on the admissibility of a personal explanation will be final.

Rule 18 - Debating reports

- 18.1 When the report is a Cabinet Member's report, the Cabinet Member shall introduce the report and propose any recommendations.
- 18.2 When the report is an Officer's report, the Officer shall introduce the report and the recommendations will be taken as being proposed to the meeting. In the case of Annual Reports, these may be introduced by the relevant Lead Cabinet Member or Committee Chair even if the report is an Officer's report.
- 18.3 When the report is from a Council Committee, the Chair of that Committee will introduce the report and propose any recommendations.
- 18.4 There is no requirement that the recommendations in the report be seconded by another elected member.
- 18.5 The Speaker shall invite elected members to ask questions of the Cabinet Member, Officer or Committee Chair as appropriate.
- 18.6 The Speaker shall then ask whether elected members wish to debate the report and if this is signified then Full Council will debate the report. The Speaker has the absolute discretion to determine the length of the debate and speeches.
- 18.7 Once the debate has concluded, the Speaker will put the recommendation(s) to the vote.

Rule 19 - State of Hackney debate

Calling of debate

- 19.1 The Elected Mayor may call a State of Hackney Debate on a date and in a form to be agreed with the Speaker.

Form of debate

- 19.2 The Elected Mayor will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of Hackney Debate.

Council Procedure Rules may be suspended by the Speaker on the advice of the Monitoring Officer to ensure maximum flexibility.

Chairing of debate

19.3 The debate will be chaired by the Speaker.

Results of debate

19.4 The results of the debate will be:

- disseminated as widely as possible within the community and to agencies and organisations in the area; and
- considered by the Elected Mayor in proposing the budget and policy framework to Full Council for the coming year.

Rule 20 - Previous decisions and motions

Motion to rescind a previous decision

20.1 A Motion to rescind a decision made at a meeting of Full Council within the past six months cannot be moved unless a notice of motion is signed by at least one third of the elected Members.

Motion similar to one previously rejected

20.2 A motion which has the same effect as one rejected in the past six months by Full Council cannot be moved unless a notice of motion or amendment is signed by at least one third of the Councillors of the Council. Once Full Council has determined such a motion, no one may propose a similar motion or amendment within a further period of six months.

20.3 The above Rules shall not apply to Motions moved following a recommendation to Full Council made by Cabinet or a Committee.

Rule 21 - Voting

Majority

21.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority. Elected Members may not have their vote counted or recorded unless, when the vote is started, they are in a seat in the Council Chamber.

Show of hands

- 21.2 Unless a recorded vote is demanded under Rule 21.3, or the Constitution provides otherwise, the Speaker will take the vote by a show of hands, and if there is no dissent, by the affirmation of the meeting.

Recorded vote

- 21.3 If ten elected Members present at the meeting demand it, a recorded vote will be taken where each Member shall be called upon to confirm whether they vote for or against the motion or amendment or abstain from voting.
- 21.4 Where a recorded vote is taken, the names of those members for or against the motion and those members abstaining from voting will be recorded in the minutes.

Recorded vote on the Council's budget and council tax

- 21.5 In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote will be taken at Full Council and Cabinet on any vote in respect of the Council's budget and council tax (including any amendments).
- 21.6 The names of members who voted for or against for or against the motion or any amendment and those members abstaining from voting will be recorded in the minutes.

Right to require individual vote to be recorded

- 21.7 Where any elected Member makes a request immediately after a vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Speaker's casting vote

- 21.8 If there are equal numbers of votes for and against, the Speaker will have a second or casting vote providing that they have already voted on the motion. There will be no restriction on how the Speaker chooses to exercise a casting vote.

Voting on appointments or nominations to committees

- 21.9 Where a vote is required on an election or appointment and two or more persons are nominated, the Speaker shall call for a vote on the nominations in turn. An elected Member may not vote for more than one person.
- 21.10 The procedure to be followed is

- members will be invited to vote for one of the nominees
- if one nominee secures an absolute majority of those present and voting, they will be declared elected / appointed
- if no nominee secures an absolute majority of those present and voting, the nominee with the least number of votes shall be eliminated from the contest;
- the above steps shall be repeated until one nominee secures an absolute majority of those present and voting.

Rule 22 - Minutes

Signing the minutes

- 22.1 The Speaker, or in their absence the Deputy Speaker or other person presiding over the meeting, will sign the minutes of the proceedings at the next suitable Council meeting.
- 22.2 The Speaker will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes can be discussed

No requirement to sign minutes of previous meeting at an Extraordinary meeting

- 22.3 There will be no item for the approval of minutes of an ordinary Full Council meeting on the agenda of an extraordinary meeting.

Rule 23 - Record of attendance

- 23.1 Elected members must sign their names on the attendance sheets before the conclusion of every meeting in order to provide a record of their attendance.
- 23.2 Elected members will not be counted as being present at a meeting if they attend the meeting for less than 30 minutes. Where a meeting is of less than 30 minutes' duration, the period shall be 15 minutes.

Rule 24 - Exclusion of public

- 24.1 The public and press may only be excluded from a meeting either because an item of exempt or confidential business is to be discussed (see the Access to Information Procedure Rules set out in Part X of this Constitution) or because of a public disturbance to the meeting (Rule 27).

- 24.2 A Motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings of Full Council to discuss exempt or confidential business. The Motion shall specify, by reference to Section 100(A) of the Local Government Act 1972, the reason why the public is to be excluded.

Rule 25 - Elected members' conduct

Standing to speak

- 25.1 When an elected member speaks at Full Council they must stand, if they are able, and address the meeting through the Speaker. If more than one Councillor stands, the Speaker will ask one to speak and the others must sit. Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.

Speaker standing

- 25.2 When the Speaker stands during a debate, any Councillor speaking at the time must stop and sit down. The meeting must be silent.

Member not to be heard further

- 25.3 If an elected member persistently disregards the ruling of the Speaker by behaving improperly or offensively or deliberately obstructs business, any elected member may move that they are not heard further. If seconded, the motion will be voted on without discussion.

Member asked to leave the meeting

- 25.4 If the elected member continues to behave inappropriately after such a motion is carried, any elected member may move that either they leave the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.

Rule 26 - General disturbance and / or disturbance by the public

Removal of member of the public

- 26.1 If a member of the public interrupts or otherwise disrupts a meeting, the Speaker will warn that person that if they continue to interrupt they will be removed. If, despite the warning, the person continues to interrupt or disrupt the meeting, the Speaker will order their removal from the meeting.

General disturbance

- 26.2 If there is a disturbance by the public which makes the conduct of the meeting impossible, the Speaker may:
- (a) adjourn the meeting for as long as they think necessary to resolve the disturbance, save that the meeting may not resume any later than 9:50pm;
 - (b) call for any part of the meeting room to be cleared of those causing the disturbance;
 - (c) decide to move the meeting to another room in the Council's buildings;
or
 - (d) adjourn the meeting to another date.

Recording a meeting

- 26.3 Any photography or recording of sound and / or videos made during the meeting must comply with the provisions in the Protocol on Livestream / Recording Meetings set out in Part X of this Constitution.

Rule 27 - Suspension and amendment of Council Procedure Rules

Suspension

- 27.1 The following Council Procedure Rules may be suspended for the duration of the meeting either:
- (a) by motion on notice in accordance with Rule 14, or
 - (b) by motion without notice provided that at least one half of the whole number of members of Full Council are present and a majority of those present support the motion
 - Duration of meeting (Rule 7)
 - Questions by the public (Rule 9);
 - Questions by Councillors – except there shall be no suspension of the time limit for Councillors' questions (Rule 10);
 - Deputations (Rule 11);
 - Petitions (Rule 12);

- Total time for consideration of motions (Rule 16.4);
- Debating reports (Rule 18);
- Previous decisions and motions (Rule 20);
- Councillors' conduct (Rule 25)

Amendment

27.2 Other than as detailed above, any motion to add to, vary or revoke these Council Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of Full Council where it will be considered alongside a report from the Monitoring Officer.

Rule 28 - Interpretation of Council Procedure Rules

- 28.1 At any meeting of the Council, the Speaker is responsible for rulings as to the construction, interpretation or application of the Council Procedure Rules having taken advice from the Monitoring Officer or legal adviser. A member may request an explanation from the Speaker as to their ruling, but once an explanation has been provided the ruling will be final.
- 28.2 Any representations should be made to the Monitoring Officer following the meeting.

Rule 29 - Mobile phones and other electronic communication devices

- 29.1 No one is permitted to make or receive any telephone calls during a meeting.
- 29.2 Electronic communication devices, such as mobile phones, laptops, tablets etc, may be used during a meeting to access agendas or tweet or use other social networking sites, but audible notifications must be turned off.
- 29.3 Any photography or recording of sound and / or videos made during the meeting must comply with the provisions on recording meetings set out in Part X of this Constitution.

Rule 30 - Application to committees and sub-committees

30. The following Council Procedure Rules shall apply to all non-executive meetings of Council Committees, and Sub-Committees:

- Business (Rule 3);
- Time and Place of Meetings (Rule 4);
- Notice of meeting (Rule 5);
- Chair of meeting (Rule 6);
- Quorum - but see different rule for Sub-Committees (Rule 7);
- Duration of Meeting - but not to meetings of any quasi-judicial Committee or Sub-Committee or one at which appointment of staff is being considered (Rule 8);
- Motions and amendments without notice - but not establishment of Committee or appointment of Councillors except where the terms of reference permit (Rule 15);
- Speeches (Rule 17.4);
- Points of Order (Rule 17.12);
- Points of personal explanation (Rule 17.13);
- Voting (Rule 21);
- Minutes (Rule 22);
- Conduct (Rule 25);
- Disturbance by the Public (Rule 26);
- Electronic communication devices (Rule 29).

30.1 References to the Speaker shall be construed as references to the Chair of Committee or Sub-Committee as appropriate.

31.2 References to motion shall be construed as references to the matter under consideration.

31.3 References to Full Council shall be construed as references to the Committee or Sub-Committee as appropriate.

Order of Business

31.4 At each meeting the Committee / Sub-Committee shall:

- appoint a person to preside as chair if the Chair and Vice-Chair are not present;

- approve the minutes of the last meeting;
- receive any declarations of interest from Councillors;
- receive deputations and questions from the public referred by the Monitoring Officer, subject to any particular rules or procedures applicable to the Committee/Sub-Committee;
- transact business on the agenda which shall be determined by the terms of reference for each Committee or Sub-Committee.

Attendance

- 31.5 Any Councillor of the Council can attend meetings of Committees and Sub-Committees as an observer. Any such Councillor:
- may not vote;
 - may speak with the permission of the Chair; and
 - must leave the meeting at any time when the press and public are excluded, unless invited to remain by the Chair.
- 31.6 Where a motion has been referred to a Committee or Sub-Committee by Full Council, then the member who proposed that motion must be given notice of the meeting and may attend the meeting and explain the motion.

Sub-Committees

- 31.7 Committees may establish Sub-Committees to discharge any of the functions within the Committee's terms of reference. Any functions discharged to the Sub Committee will still remain within the functions of the Parent Committee.
- 31.8 The quorum of a Sub-Committee shall be one-quarter of the whole number of members of that Sub-Committee, subject to a minimum quorum of two Members per meeting. Any Councillor who is attending in a substitute capacity will count for the purposes of the quorum.

Working Parties

- 31.9 Committees and Sub-Committees may from time to time set up working parties. Working parties are not decision-making bodies and may comprise a combination of Members, Officers, external advisers etc. Meetings of working parties are not governed by these rules of procedure. The business and conduct of the meetings shall be prescribed by the appointing body as part of the terms of reference for the working party.

31.10 Rights of access to working party meetings and to information of such meetings shall be in accordance with any general rights of access to information under legislation or the common law.

Rule 32 - Convening meetings of committees and sub-committees

32.1 The Monitoring Officer will call all meetings of Committees and Sub-Committees and shall determine the venue and time of the meeting.

32.2 The Chair of any Committee or Sub-Committee may ask the Monitoring Officer to call a special meeting of the Committee or Sub-Committee at any time.

32.3 If at least one-quarter of the Members of a Committee or Sub-Committee inform the Monitoring Officer in writing that they wish to call a special meeting, the Monitoring Officer must call that meeting at the earliest opportunity consistent with the requirements of the Access to Information Procedure Rules set out in Part X of this Constitution.

Part 4 - Procedure Rules
Section B - Cabinet Procedure Rules

Rule 1 - Who may make executive decisions?

1.1 Functions which are the responsibility of the executive may be exercised by the Elected Mayor. The Elected Mayor may delegate authority to exercise these functions to any extent:

- To Cabinet as a whole;
- To a committee of Cabinet;
- To an individual Councillor of Cabinet;
- To an Officer;
- To an area committee;
- Under joint arrangements; or
- To another local authority.

Rule 2 - Delegation

2.1 At the Annual Meeting, the Elected Mayor will present a report detailing which delegations they wish to make for the municipal year. The report will contain the following information:

- The names of the people appointed to the Cabinet by the Elected Mayor;
- The extent of any authority delegated to an individual Councillor of the Cabinet, including details of the limitation of their authority
- The details of any Cabinet committees to be appointed and the names of those Councillors of the Cabinet appointed to them;
- The nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those members of the Cabinet appointed to any joint committee for the coming year; and
- The nature and extent of any delegation of executive functions to officers.

Sub-delegation of Cabinet functions

- 2.2 If the Elected Mayor delegates functions to the Cabinet, unless they direct otherwise, then the Cabinet may delegate further to a Committee of the Cabinet, to an officer, to any joint arrangements, to another authority or to area committees.
- 2.3 If the Elected Mayor delegates functions to a Committee of the Cabinet, unless they direct otherwise, the Committee may delegate further to an officer.
- 2.4 Where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.
- 2.5 The Elected Mayor may amend the scheme of delegation relating to the Cabinet functions at any time during the year. To do so, the Elected Mayor must give written notice to the Monitoring Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, committee or the Cabinet as a whole.

Rule 3 - Conflicts of Interest

- 3.1 Regulations 12 and 13 of the Local Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012 require any member of the Executive to declare any conflict of interest, and any dispensation granted in respect of that conflict of interest, when taking a decision either collectively at Cabinet or individually. These conflicts of interest are required to be noted in the published decision notice(s).
- 3.2 There is no clear definition as to what is meant by a conflict of interest; however a member of the Executive may be regarded as having or being perceived to have a conflict of interest which is incompatible with their duty to take decisions in accordance with Part 1, Section X of this Constitution where:
 - They may have two or more differing interests in a particular matter which are incompatible with each other or the general principles of the Councillor Code of Conduct of the Principles of Public Life;
 - They may profit personally from decisions made in their official capacity;
 - They may owe separate duties to act in the best interests of two or more constituents and those duties conflict or there is a significant risk that they may conflict;

- Their duty to act in the best interest of any constituent conflicts, or there is a significant risk that it may conflict, with their own interest in that matter.
- 3.3 Where a member of the Executive is of the opinion that they may have a conflict of interest over and above any personal interest they are already required to declare under the Councillor Code of Conduct, they should seek advice from the Monitoring Officer with a view to determining whether a dispensation is required.
- 3.4 Where a conflict of interest exists, a member of the Executive should only remain, speak and vote on any item if a dispensation has been granted.

Rule 4 - How are decisions to be taken by the Elected Mayor and Cabinet?

- 4.1 Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part X of the Constitution.
- 4.2 Where Cabinet decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

Rule 5 - Cabinet Meetings

- 5.1 The Cabinet will meet on dates specified in the Council's calendar of meetings. The Cabinet will meet at the Council's main offices or any other location to be determined by the Elected Mayor.
- 5.2 If the Elected Mayor is present, they will chair the meeting. If the Elected Mayor is absent, the Statutory Deputy Mayor will chair the meeting.
- 5.3 Meetings of the Cabinet will normally be open to the public, unless confidential or exempt information is to be discussed or as may be specified in the Access to Information Procedure Rules set out in Part X of this Constitution.
- 5.4 The public's rights in respect of attending and recording Cabinet Meetings are set out in the Access to Information Procedure Rules in Part X of this Constitution and the Protocol on Recording and Livestreaming Council Meetings set out in Part X of this Constitution.

- 5.5 The quorum for a meeting of the Cabinet shall be 3 members of the Cabinet save that a Cabinet meeting will not be quorate if neither the Elected Mayor nor the Deputy Mayor is present.
- 5.6 The quorum for a meeting of a committee of the Cabinet shall be one quarter of the total number of elected members of the Cabinet, or 2, whichever is the larger.
- 5.7 The leader of any opposition group, the Chairs and Vice-Chairs of the Scrutiny Commissions and the Speaker may attend and speak at any meeting of the Cabinet and shall be entitled to be sent all Cabinet agendas and reports, including confidential and exempt items.
- 5.8 Meetings of Cabinet will:
- Receive apologies;
 - Approve the minutes of the previous meeting;
 - Receive any declarations of interest from elected members;
 - Receive any deputations or petitions of which notice has been given and which are included on the agenda;
 - Receive any questions from, and provide answers to, members of the public which are included on the agenda;
 - Consider any matters referred to the Cabinet by a Scrutiny Commission or by Full Council for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Rules;
 - Consideration of reports from Scrutiny Commissions;
 - Consider those reports set out in the agenda.
 - Receive details of any individual Cabinet Member decisions, decisions of the committees of the Cabinet and any key decisions taken by Officers under delegations.
 - Consider any item of business that the Elected Mayor has asked to be placed on the agenda.
 - Consider any report which in the opinion of any two of the Council's statutory Officers ought to be considered in pursuance of their statutory duties.
 - Consider any items of urgent business.

Rule 6 - Deputations

- 6.1 Council Procedure Rule 11 (Deputations) will apply to Cabinet with the following additional amendments:
- i) All Rules - references in that Rule to “Full Council” shall be construed as being references to “Cabinet”.
 - ii) All Rules - references to the “Speaker” shall be construed as being references to the “Chair”.
 - iii) Rule 11.2 - no more than one deputation may be taken at each meeting of Cabinet
 - iv) Rule 11.6(i) shall not apply.
 - v) Rule 11.10 shall not apply.

Rule 7 - Questions by the public

- 7.1 A member of the public who lives, works or studies in the Borough may ask a question of Cabinet.
- 7.2 Council Procedure Rule 9 (Questions by the public) will apply to Cabinet and references in that Rule to “Full Council” shall be construed as being references to “Cabinet” with the following additional amendments:
- i) All Rules - references to the “Speaker” shall be construed as being references to the “Chair”.
 - ii) Rule 9.1 - questions may be asked of the Elected Mayor, Councillors of the Cabinet and Mayoral Advisors.
 - iii) Rule 9.12 - the total amount of time for questions at Cabinet shall be 15 minutes.
- 7.3 At the Chair’s discretion, a member of the public may ask a question relating to any agenda item of Cabinet without having given notice. If a question without notice is asked, the Chair will explain that a comprehensive answer may not be able to be given on the night and a more detailed written response may be subsequently sent to the questioner.

Rule 8 - Petitions

- 8.1 Where a petition is considered by, or referred to, Cabinet, the petition will be dealt with in accordance with paragraphs 7.2 to 7.7 of the Council's Petition Scheme.

Rule 9 - Agenda for meetings of the Elected Mayor and Cabinet and Notice and Summons to meeting

- 9.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules set out in Part X of this Constitution.

Rule 10 - Extraordinary meetings

- 10.1 Where any two of the Council's statutory Officers are of the opinion that Cabinet ought to consider a report from them in pursuance of their statutory duties and no Cabinet meeting is scheduled to take place within the specified timeframe, the Monitoring Officer may call an extraordinary meeting of Cabinet.

Rule 11 - Motions without notice

- 11.1 The following motions may be moved without notice:
- To change the order of business in the agenda;
 - To refer a matter to an appropriate body or individual;
 - To appoint an Executive committee or a Councillor to a position arising from an item on the agenda for the meeting;
 - To withdraw a motion;
 - To amend a motion;
 - To proceed to the next business;
 - To adjourn a debate;
 - To adjourn a meeting;

- To suspend a particular Cabinet Procedure Rule; and
- To exclude the public and press in accordance with the Access to Information Rules

Rule 12 - Voting

- 12.1 Unless this Constitution or the law provides otherwise any matter will be decided by a simple majority of those Cabinet Councillors voting and present in the room at the time the question was put.
- 12.2 If there are equal numbers of votes for and against, the Elected Mayor (or Chair) will have a second or casting vote. There will be no restriction on how the Elected Mayor (or Chair) chooses to exercise a casting vote.
- 12.3 In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote will be taken at Cabinet on any vote in respect of the Council's budget and council tax. The names of Councillors who voted for or against such a decision or abstained shall be recorded and entered into the minutes of the relevant meeting. A recorded vote shall also be taken on any proposed amendments relating to the budget and council tax.

Rule 13 - General rules about the conduct of the meeting

- 13.1 The following Council Procedure Rules will apply to meetings of Cabinet and any references in those Rules to "Full Council" shall be construed as being references to "Cabinet" and any references to "the Speaker" to the "Chair"
- i) Rule 26 - General disturbance and / or disturbance by the public;
 - ii) Rule 28 - Interpretation of Council Procedure Rules;
 - iii) Rule 29 - Mobile phones and other electronic communications devices.

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Part Six - Public Participation
Section A - Attendance at Meetings of Council, Cabinet and Committee Meetings

- 1.1 Members of the public are actively encouraged to attend meetings of the Council, Cabinet and their Committees.
- 1.2 Members of the public are only able to speak at certain meetings, but all our meetings are open to the public. If you cannot make it to the meeting itself, you can watch it live on the Council's YouTube channel. Livestream recordings remain on our YouTube channel for 2 years.
- 1.3 You can find out when and where we have our meetings on our website [LINK TO BE INSERTED].
- 1.4 You can also see what we will be covering in our meetings by looking at the agenda and reports for each meeting [LINK TO BE INSERTED].
- 1.5 We publish these on our website at least five clear working days before the date of the meeting.
- 1.6 Occasionally meetings of the Council may need to consider confidential items of business, in which case we will exclude the press and public from the meeting while these issues are discussed. This will be clearly signposted on the agenda for the meeting and during the meeting itself. Meetings will only move into 'private' session when absolutely necessary and where legally justified.

Part Six - Public Participation

Section B - Protocol for Public Speaking at Public Meetings of the Council

Public speaking is permitted at meetings of the Council's Licensing Sub-Committee and Planning Sub-Committee. The following rules apply:

- 1.1 Members of the public who wish to speak at a meeting must notify the Governance Officer named on the agenda in writing of their request. Members of the public may only speak on items that are on the published agenda.
 - In the case of the Planning Sub-Committee, any person may speak on an application provided they have informed the Governance Officer of their wish to speak no later than 4pm on the day before the meeting.
 - In the case of the Licensing Sub-Committee, only those persons who have submitted valid representations during the application's consultation period are permitted to speak.
- 1.2 The Council is not able to rearrange Sub-Committee meetings if a speaker is unable to attend on the date of the meeting. However, the speaker can nominate someone to speak on their behalf.
- 1.3 Planning Sub-Committee meetings are conducted in person and anyone wishing to speak can either attend the meeting in person or can do so remotely.
- 1.4 All Licensing Sub-Committees are held remotely and therefore anyone wishing to speak will make their representations remotely.
- 1.5 Those attending remotely should ensure that they familiarise themselves with the Council's Protocol Concerning Remote Attendance at Meetings [LINK].
- 1.6 Speakers are not permitted to present any additional information, such as photographs and letters.
- 1.7 In the case of the Planning Sub-Committee, the total time allowed for public speaking will be 5 minutes per speaker.
- 1.8 After a member of the public has spoken, Councillors will be permitted to ask questions for clarification only; there is no opportunity for debate.
- 1.9 The minutes will record a summary of the representations made by any person exercising their public speaking rights. However, libellous, offensive and discriminatory comments will be disregarded and will not be minuted.

- 1.10 Members of the public must not disrupt the meeting and must respect the rulings of the Chair. The Chair has the right to exclude a disorderly person at any time or to adjourn the meeting to allow a serious disorder to be diffused.

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Part Six - Public Participation

Section C - Access to Information Procedure Rules

Introduction

- 1.1 The Council is committed to the principles of openness and transparency as laid down in access to information legislation, such as the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 1.2 These procedure rules detail the specific rights that members of the public have to access information relating to the Council's decision making processes. These rules do not affect any of the additional rights that the public has set out elsewhere in this Constitution or the law.
- 1.3 In these rules the term "clear working day" excludes the date on which the notice of a meeting is published and the date on which the meeting is to be held and also excludes any weekends and public / bank holidays.
- 1.4 In these rules the term 'the public' is to be read as including members of the press.
- 1.5 The additional rights that elected Members have are set out in **X** in Part 7 of this Constitution.

Scope

- 2.1 These rules apply to all meetings of the Council, including meetings of the Cabinet, any committees, sub-committees, panels and commissions which the Council may establish.

Right to attend meetings

- 3.1 Subject to the provisions on the exclusion of the public specified in these rules, the public may attend all meetings subject only to those exceptions specified in these rules.
- 3.2 Details of the rights of the public to record meetings of the Council are contained in the Protocol on Live Streaming / Recording Meetings as set out in Part **X** of this Constitution.

Notice of meetings

- 4.1 Unless a meeting is called at shorter notice, the Council will give at least five clear working days' notice of any meeting by publishing details of the time and place of the meeting on its website and displaying a notice at Hackney Town Hall.

Access to agendas and reports before a meeting

- 5.1 Subject to any exception specified in these rules, the Council will make copies of the agenda and reports open to the public available for inspection at Hackney Town Hall and on the Council website at least five clear working days before the meeting.
- 5.2 Where the meeting is convened at shorter notice, copies of the agenda and reports shall be made available to the public from the time the meeting is called.
- 5.3 Where a report is not open to inspection by members of the public for five clear working days before the meeting, it can only be considered at the meeting if the Chair is of the opinion that it should be considered as a matter of urgency by reason of special circumstances. Those circumstances shall be specified in the minutes of the meeting.

Supply of copies

- 6.1 The Council will supply copies of:
 - Any agenda and reports which are open to public inspection;
 - Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - If the Proper Officer thinks fit, copies of any other documents supplied to elected Members in connection with an item.

to any member of the public on payment of the Council's reasonable charges for copying and postage.

Background papers

- 7.1 Every report will contain a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the report author and Proper Officer:
 - 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
- 7.2 This does not include published works or documents which disclose exempt or confidential information or the advice of a political advisor or assistant.
- 7.3 Any background papers will be retained by the Council and made available for inspection by the public for a period of four years beginning with the date of the meeting, or the date of the decision.

Exclusion of access by the public to meetings

Confidential information – requirement to exclude public

- 8.1 The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.
- 8.2 “Confidential information” means information given to the Council by a Government Department on terms which forbid its disclosure or information which cannot be publicly disclosed by Court Order.

Exempt information – discretion to exclude public

- 8.3 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Information is only exempt if, and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 8.4 Meaning of exempt information

“Exempt information” means information falling within one of following categories, subject to any condition:

CATEGORY	CONDITION
1. Information relating to an individual	<p>Information is not exempt unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated.</p> <p>Information is only exempt:</p> <p>(a) where disclosure is prohibited by statute; or</p> <p>(b) where disclosure might involve providing personal information about individuals; or</p> <p>(c) where disclosure might breach a duty of confidentiality; and</p> <p>(d) in all the circumstances of the case, the public interest in not disclosing the</p>

CATEGORY	CONDITION
	information outweighs the public interest in disclosing the information.
<p>2. Information which is likely to reveal the identity of an individual</p>	<p>Information is not exempt unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated.</p> <p>Information is only exempt:</p> <ul style="list-style-type: none"> (a) where disclosure is prohibited by statute; or (b) where disclosure might involve providing personal information about individuals; or (c) where disclosure might breach a duty of confidentiality; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding the information)</p> <p><i>'financial or business affairs' includes contemplated, as well as past or current, activities.</i></p> <p><i>This category will include commercial and contractual interests</i></p>	<p>Information is not exempt if it is required to be registered by law e.g. Companies Act 1985, the Charities Act 1993 etc</p> <p>Information is only exempt if and for so long as:</p> <ul style="list-style-type: none"> (a) disclosure of the amount involved would be likely to give advantage to a person entering into or seeking to enter into a contract with the Council in respect of property, goods or services whether the advantage would arise as against the Council or as against other persons; or (b) disclosure would prejudice the efficiency and effectiveness of the use of Council resources; or (c) disclosure of trade secrets and other

CATEGORY	CONDITION
	<p>information would, or would likely, prejudice the commercial interests of any person, including the Council; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>4. Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a minister of the crown and employees of, or office-holders under, the authority</p> <p><i>‘Labour relations matters’ are as specified in paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act 1974</i> <i>i.e. matters which may be the subject of a trade dispute</i></p> <p><i>‘employee’ means a person employed under a contract of service</i></p> <p><i>‘office-holder’ means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</i></p>	<p>Information is only exempt if and for so long as its disclosure to the public:</p> <p>(a) would prejudice the Council in those or any other consultations or negotiations in connection with a labour relations matter; and (b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>5. Information in respect of which a claim to legal professional</p>	<p>Information is only exempt:</p> <p>(a) where a claim of legal professional</p>

CATEGORY	CONDITION
<p>privilege could be maintained in legal proceedings</p>	<p>privilege could be maintained in legal proceedings e.g. correspondence such as legal advice and assistance between the Council's Legal Services and its client; (b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or (b) to make an order or direction under any enactment</p>	<p>Information is exempt only if and so long as: (a) disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice order or direction is to be given or made; and (b) in all circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	<p>Information is only exempt if its disclosure would, or would be likely to, prejudice- (a) criminal investigations and proceedings; or (b) the apprehension or prosecution of offenders; or (c) the administration of justice; or (d) the assessment or collection of any tax or duty or of any imposition of a similar nature; or (e) regulatory enforcement; or (f) any civil proceedings; or (g) Health and safety; or (h) information obtained from confidential sources; and (i) in all the circumstances of the case, the public interest in not disclosing the</p>

CATEGORY	CONDITION
	information outweighs the public interest in disclosing the information.

Information which would be exempt under any of the categories listed above is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

Exclusion of access by the public to reports

9.1 The Monitoring Officer may exclude access to a report which in their opinion relates to items which will be considered when a meeting is likely not open to the public or was not open to the public. Such reports will be marked “not for publication” and the reason why this is the case.

Application of rules to the executive

10.1 The above rules apply to the Elected Mayor and Cabinet, its committees and individuals. In addition, where a key decision is to be made then the following procedure applies.

Procedure before making a key decision

11.1 A key decision is an Elected Mayor and Cabinet decision which is likely to:

- Result in the Council incurring expenditure or the making of savings that is, significant having regard to the Council’s budget for the service or function to which the decisions relates, or
- Be significant in terms of its effects on communities living or working in a ward comprising two or more wards in the area of the Council.

11.2 Every month the Council will publish a document that sets out, in respect of each key decision, that will be made on behalf of the Council:

- That a key decision is to be made on behalf of the Council;
- The matter in respect of which a decision is to be made;
- The date on which, or the period within which, the decision is to be made;
- Where the decision maker is an individual, their name and title, if any;
- Where the decision maker is a decision-making body, its name and details of its membership;
- Where the decision relates to confidential or exempt information, as defined above, a statement that the decision will be made in private;

- A list of the documents submitted to the decision maker for consideration in respect of their decision;
- The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- That other documents relevant to those matters may be submitted to the decision maker;
- The procedure for requesting details of those documents (if any) as they become available.

11.3 In addition, it will contain the following:

- A unique reference number;
- A brief summary of the need for the decision and the impact of its implementation;
- Details of the Wards affected by the decision.

11.4 This document is known as the Forward Plan and it will be published on the Council's website and updated from time to time as required. The document will also be available for inspection by the public at Hackney Town Hall.

11.5 A key decision will not normally be made unless:

- Notice of the decision has been published on the Forward Plan;
- At least twenty eight clear days have elapsed since the publication of the Forward Plan;
- Where the decision is to be made at a meeting of the Elected Mayor and Cabinet or its committees, notice of the meeting has been given in accordance with Rule 5 (notice of meetings).

General Exception

11.6 If it is not possible to provide twenty eight clear days' notice of a decision on the Forward Plan because the decision must be made by such a date that it would be impractical to defer it, then the decision may still be made if:

- The Monitoring Officer has been informed of the reasons for urgency and is satisfied that the reasons meet the criteria for an urgent decision;
- The Monitoring Officer has informed the Chair of the Scrutiny Panel, or, if there is no such person or if the Chair is unable to act, the Speaker of the proposed decision and the reasons for urgency ;
- The Monitoring Officer has arranged for a notice of the date and nature of the forthcoming decision and the reasons for urgency on the

Council's website and made a copy available for inspection at Hackney Town Hall; and

- At least five clear days have elapsed since the Monitoring Officer has complied with the requirement to inform and place a notification.

11.7 If the Monitoring Officer is not available to act, then the Deputy Monitoring Officer shall act in their place. If both the Monitoring Officer and Deputy Monitoring Officer are not available to act, then the Chief Executive or s151 Officer shall act in their places.

Special Urgency

11.8 Where an urgent key decision is required, but compliance with the general exception rules is impractical, then the decision shall only be made where the decision maker obtains the agreement of the Chair of the Scrutiny Panel that the making of the decision is urgent and cannot reasonably be deferred.

11.9 If there is no Chair of the relevant Scrutiny Panel, or if the Chair is unable to act, then the agreement of the Speaker or in their absence the Deputy Speaker must be sought.

11.10 As soon as it is reasonably practicable after the decision maker has obtained the necessary agreement, the Monitoring Officer must arrange for a notice of the date and nature of the forthcoming decision and the reasons for special urgency on the Council's website and made a copy available for inspection at Hackney Town Hall

11.11 The Elected Mayor will submit a quarterly report to Full Council on any executive decisions which have been made under the special urgency provisions. This report will include the number of decisions so made and a summary of the matters in respect of which each decision was made.

11.12 The Monitoring Officer will submit a quarterly report to Full Council on non-executive decisions made under the special urgency provisions. This report will include the number of decisions so made and a summary of the matters in respect of which each decision was made.

Private meetings of the Cabinet or its Committees

11.13 A private meeting of the Cabinet or one of its Committees is a meeting, or part of a meeting, during which the public are excluded during an item of business relating to confidential or exempt information.

11.14 A private meeting is also a meeting where a Councillor(s), or members, of the public have been excluded in order to maintain orderly conduct or prevent misbehaviour.

- 11.15 Prior to a private meeting being held and in the case of a key decision, the Forward Plan will identify which items are likely to be considered by the Cabinet or one of its Committees, and shall include a statement of the reasons for the meeting being held in private. This will not apply where a meeting is required to exclude persons in order to maintain orderly conduct or prevent misbehaviour.
- 11.16 At least 5 clear working days before a private meeting takes place, a notice will be published on the Council website and made available at Hackney Town Hall. This notice will include:
- a statement of the reasons for the meeting to be held in private;
 - details of any representations received concerning why the meeting should be held in public, and a statement of the response to any such representations.
- 11.17 This notice will be included as part of the published agenda for the meeting.
- 11.18 If it is not practicable to comply with the above rules, the Monitoring Officer may seek the agreement of the Chair of the relevant Scrutiny Commission Panel to that part of the meeting being held in private.
- 11.19 If there is no Chair of the relevant Scrutiny Commission, or if the Chair is unable to act, then the agreement of the Speaker or in their absence the Deputy Speaker will suffice.
- 11.20 If the Chair of the Scrutiny Commission agrees that the decision is urgent and cannot reasonably be deferred and ought to be considered in private, the Monitoring Officer will make available at Hackney Town Hall and on the Council's website a notice setting out this decision and the reasons for it.

Recording of Executive Decisions

- 11.21 As soon as is reasonably practicable after a meeting of Cabinet or one of its Committees, the Monitoring Officer shall ensure that a written statement is produced in respect of every executive decision made at that meeting which includes:
- A record of the decision including the date it was made;
 - A record of the reasons for the decision;
 - Details of any alternative options considered and rejected at the meeting by the decision-making body at the meeting when the decision was made;
 - A record of any conflict of interest declared by any Councillor of the decision-making body which made the decision; and

- In respect of any declared conflict of interest, a note of any relevant dispensation granted by the Chief Executive or Monitoring Officer.

11.22 Where the Mayor's Scheme of Delegation permits, a decision may not be made by an individual Councillor of the Cabinet unless a written report has been prepared. Such individual decisions may only be made in the presence of the Chief Executive, Chief Finance Officer or Monitoring Officer or their nominee (unless they waive that requirement) and the Officer whose responsibility it is to record the decision. As soon as is reasonably practicable after an individual Councillor has made a decision, the Monitoring Officer shall ensure that a written statement is produced which includes the same matters as referred to above.

11.23 Where an Officer acts under the Scheme of Delegation to make an executive decision, then as soon as is reasonably practicable after the Officer has made a decision they shall notify the Monitoring Officer and produce a written statement which includes the same matters as referred to above.

Recording of Non-Executive Decisions

11.24 As soon as is reasonably practicable after a meeting of non-executive Committee etc, the Monitoring Officer shall ensure that a written statement is produced in respect of every executive decision made at that meeting which includes:

- A record of the decision including the date it was made;
- A record of the reasons for the decision;
- Details of any alternative options considered and rejected at the meeting by the decision-making body at the meeting when the decision was made;
- A record of any conflict of interest declared by any Councillor of the decision-making body which made the decision; and
- In respect of any declared conflict of interest, a note of any relevant dispensation granted by the Chief Executive or Monitoring Officer.

11.25 Where an Officer acts under the Scheme of Delegation to make a non-executive decision, then as soon as is reasonably practicable after the Officer has made a decision they shall notify the Monitoring Officer and produce a written statement which includes the same matters as referred to above.

11.26 The requirement to produce a written record of any decision shall comply with the Openness of Local Government Bodies Regulations 2014.

Part Six - Public Participation

Section D - Petition Scheme

Introduction

- 1.1 The Council welcomes petitions and recognises that petitions are one way in which people can let the Council know their concerns and participate in the democratic process.
- 1.2 Petitions are not the only way in which to make your views known. You could also:
- Contact the relevant service or officer directly;
 - Contact your local ward councillor;
 - Participate in a deputation to Full Council;
 - Contact the Elected Mayor or relevant Cabinet Member;
 - Ask a scrutiny committee to look into a matter; or
 - Make a complaint to the Council.
- 1.2 Petitions submitted to the Council must comply with the guidelines and requirements set out below.

What is a Petition?

- 2.1 A petition is any communication which is signed by or sent on behalf of a number of people; for practical purposes there is a requirement that it contains at least 10 signatures before it is treated as a petition.

Guidelines for submitting a petition

- 3.1 Petitions submitted to the Council must include:
- A clear and concise statement covering the subject of the petition. It should state in clear and unambiguous terms what action the petitioners want the Council to take;
 - The name, address and signature of any person supporting the petition; and
 - The name and contact details of the petition organiser (including email address or telephone number). This is the person the Council will

contact to explain how the petition will be responded to. These contact details of the petition organiser will not be placed on the website.

3.2 The Council will take into account identifiable signatures of people who provide valid addresses providing they live, work or study within the London Borough of Hackney.

3.3. The majority of petitions will be accepted, but there are some circumstances where we will not be able to deal with a petition under this scheme. Petitions that fall outside of this scheme include:

- Any matter that the Council is not directly responsible for, or has no influence over;
- Any matter relating to a planning decision, including development plan documents - see section 11 below;
- Any matter relating to a licensing decision - see section 11 below;
- A statutory petition, such as a request for a referendum;
- Any specific issues that the Council is carrying out formal consultation on - see section 12 below;
- Any matter over which there is already an existing right of appeal or separate complaints process; these will be dealt with using these existing rights;
- Where we have received another petition on the same issue within the last year (starting from the date of receipt of the petition) In these circumstances we will refer the petitioner to the response to the first petition;
- Any petition which is considered to be vexatious, abusive or otherwise inappropriate;
- Any petitions which include potentially libellous, false or defamatory statements;
- A petition that asks the Council to do something that is unlawful or which makes criminal accusation;
- A petition relating to something which is the subject of any actual or contemplated legal proceedings in which the Council is involved either as a claimant, defendant or interested party. For the avoidance of

doubt this also includes any matters which are the subject of mediation;

- A petition which could require the disclosure of confidential or exempt information or commercially sensitive information in order for the Council to properly consider the petition;
- A petition which contains advertising or marketing statements.
- A petition which relates to the day to day operation of any local authority controlled school;
- A petition which relates to a safeguarding matter.
- A petition which names individuals or provides information where they may be easily identified, other than officers where the petition is seeking to hold them to account.

3.4 If the Monitoring Officer considers that the petition falls within one of the categories listed above, they will write to the petition organiser to explain why the petition cannot be considered. The Monitoring Officer's decision is final.

3.5 In the period immediately before an election or referendum, the Council may need to deal with your petition differently. If this applies we will explain the reasons.

How do I submit a petition?

4.1 Paper petitions (hard copies) can be sent to: Governance Services, 1 Reading Lane, London E8 1GQ.

4.2 Petitions can also be created, signed and submitted through the Council's website by following this link [INSERT LINK].

4.3 Petitions created also on 3rd party websites provided that they comply with the requirements of the petition scheme as to what they must include and the petition organiser emails governance@hackney.gov.uk.

What happens after I submit my petition?

5.1 We will send an acknowledgement within 10 clear working days of receipt of the petition. The acknowledgement will say as much as we can about what we plan to do with the petition.

5.2 To ensure that people know what the Council is doing in response to the petitions received, the details of petitions will be published on the Council

website, except in cases where this would be inappropriate. All personal details will be removed or redacted.

How will the Council respond to my petition?

6.1 The response to the petition will depend on what it asks for and how many people have signed it, but it may include the following actions:

- taking the action requested in the petition;
- writing to the petition organiser setting out our views about the request in the petition;
- considering the petition at a meeting of the Council or one of its Committees or Sub-Committees;
- holding a meeting with the petition organisers;
- commissioning research;
- writing to the petition organiser setting out the Council's views on the request in the petition; or
- referring the petition to a Scrutiny Panel for review.

Petitions requiring debate at Full Council / Cabinet

7.1 A petition of more than 750 valid signatures will, unless it is a petition to Hold an Officer to Account, trigger a right to be debated at Full Council or Cabinet depending upon whether the subject matter of the petition is a council or executive function.

7.2 We will aim to consider the petition at the next ordinary meeting of the relevant body, although this may not always be possible depending upon the volume of business to be transacted at that meeting. No petition debates will take place at the Council's budget setting meeting (usually in March each year) or at the Annual Meeting.

7.3 At the meeting, the petition organiser, or their appointed representative, will be given up to 5 minutes to present the petition.

7.4 The petition will then be considered by Councillors for a maximum of 15 minutes following the usual rules of debate.

7.5 The lead Cabinet Member or relevant Committee Chair, as appropriate, will have the opportunity to respond to the petition for a period of up to 5 minutes.

- 7.6 Following the debate, Full Council or Cabinet will proceed to vote on the action called for in the petition. For the avoidance of doubt, no vote needs be taken in circumstances where the proposed action is not something which is within the gift of the Council / Cabinet to do. In such circumstances the minutes of the debate will stand as the Council's / Cabinet's response.
- 7.7 Following the meeting, we will write to the petition organiser and let them know the outcome of the debate.

Petitions to Hold an Officer to Account

- 8.1 A petition may ask for a senior Council officer to give evidence at a public meeting of the Scrutiny Panel or one of its commissions. Senior officers include the Chief Executive and Group Directors. Such petitions must contain at least 500 Signatures.
- 8.2 The relevant Scrutiny Panel or Commission may decide that it is more appropriate for another officer to give evidence rather than the officer named in the petition.
- 8.3 At the meeting, the petition organiser will be given 5 minutes to present the petition. The relevant council officer or executive member will then be given 5 minutes to outline the Council's response to the petition. The committee will then discuss the petition for a maximum of 25 minutes, before making appropriate recommendations about how to respond to the petition. Any deviation from this format will be at the discretion of the committee.
- 8.4 The petition organiser will be given a copy of the minutes containing the recommendations and any follow up responses.

General Petitions

- 9.1 A general petition contains a specific request and is signed by at least 10 individuals.
- 9.2 Once received, Governance Services will arrange for the petition to be reported either to the senior officer in the service area concerned or to the next relevant meeting of the Committee or Sub-Committee with the power to make the decision sought by the petition.
- 9.3 In the case of the petition being reported to a senior officer, they will be asked to respond to the petition organiser within six weeks of the date of the acknowledgement letter to set out what action they have taken to respond to the request in the petition. If more time is required, that senior officer must

write to the petition organiser to advise them that more time is needed and the date when they will provide a response to you.

- 9.4 In the case of a Committee or Sub-Committee, the petition will be reported to the next ordinary meeting of that body.

Can I challenge how my petition has been dealt with?

- 10.1 Other than the Monitoring Officer's decision whether to accept a petition or not for the reasons set out in paragraphs 3.3 and 3.4 above, if the petition organiser feels that the Council has not dealt with your petition properly, then they have the right to request that the Council's Scrutiny Panel review the steps that the Council or Cabinet has taken in response to the petition. The petition organiser must give a short explanation of the reasons why the Council's response is not considered to be adequate.
- 10.2 The Scrutiny Panel will endeavour to consider your request at its next meeting. In instances where this is not possible, consideration of your petition will take place at the following meeting. If the Panel determines that the Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the Full Council. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on the Council's website.

How will the Council respond to petitions outside of this scheme?

- 11.1 The Council often receives correspondence that is intended to be a petition but which does not necessarily meet the criteria set out in this scheme.
- 11.2 Petitions that fall outside of the criteria of the scheme will be treated as correspondence and sent to the relevant service area for a response. The Head of Service will have discretion and flexibility to decide how to reply to this correspondence so that they are able to take appropriate action to respond to the request.

Petitions relating to Planning and / or Licensing matters

- 12.1 Petitions received in response to planning (development management and planning policy) and licensing matters will be taken into consideration either as

part of any delegated or Committee decision depending upon the identity of the decision-maker for the matter in question.

Petitions relating to matters upon which the Council is undertaking formal consultation

- 13.1 All petitions received that concern a matter upon which the Council is undertaking formal consultation (whether statutory or not) will automatically be incorporated into that consultation process at the earliest stage possible. Petition organisers will be informed of this and the petition will be submitted to the service area managing the consultation for them to respond in accordance with the Council's policy.
- 13.2 This approach will also be taken for petitions that are received relating to any issue about the Council's budget during the Council's annual budget setting process. In addition to being incorporated into the formal consultation process, all petitions relating to budget issues will be made available for inspection at the budget meeting of the Council so that they can properly inform the Council's budget decisions.
- 13.3 Sometimes we receive petitions after the consultation deadline has passed but before the final decision has been made. In these circumstances, if the specific issue is being discussed at one of the Council's meetings, you will be invited to the meeting to make representations about your petition.
- 13.4 Petitions received after a decision has been made will not be considered under the scheme but will be passed to the relevant senior officer to respond.

Part Six - Public Participation Section E - Deputations

Introduction

- 1.1 Any organisation or group may make a written request to address Council / Cabinet about a specific issue which relates to the borough or a specific function or responsibility of the Council / Cabinet. This is known as a deputation.
- 1.2 A deputation provides an opportunity to lobby the Council about a shared concern.

Notice of Deputations

- 2.1 In accordance with Part X of the London Borough of Hackney's Constitution, notice of a deputation must be received by the Monitoring Officer no later than 12:00 noon eight clear working days before the meeting of Full Council / Cabinet. This is to ensure that the deputation appears on the agenda papers for the meeting.
- 2.2 A clear working day means a complete period of 24 hours (excluding weekends and Bank Holidays) excluding the day when notice is given or deemed to be given and the day for which it is to take effect.
- 2.3 The deputation must be signed by 10 or more residents of the borough, must clearly set out its purpose and must also be signed by the councillor who is to introduce the deputation at the Council meeting.
- 2.4 The deputation should clearly state what action(s) the Council is being asked to take and should not be more than 200 words long.
- 2.5 A deputation may be rejected where the Monitoring Officer considers that it:
 - Is not about a matter for which the local authority has a responsibility, or which affects the Borough;
 - Is defamatory, frivolous, offensive or vexatious;
 - Is substantially the same as a question, motion, petition or deputation which has been put to a Council meeting in the past six months;
 - Requires the disclosure of confidential or exempt information or relates to a safeguarding matter;
 - Relates to an individual planning or licensing application;

- Relates to something which is the subject of any actual or contemplated legal proceedings in which the Council is involved either as a claimant, defendant or interested party; for the avoidance of doubt this also includes any matters which are the subject of mediation; or
 - Is submitted by or on behalf of a political party, or it is submitted on paper bearing the name, insignia or other identifier of a political party.
- 1.8 Where the agenda for Full Council / Cabinet does not contain an item relating to the same subject matter as the deputation, the Monitoring Officer will consult with the relevant lead Cabinet Councillor and / or the Elected Mayor as to whether it could be heard.
- 1.9 No more than two deputations will be taken at each meeting of Full Council. No more than one deputation will be taken at each meeting of Cabinet.
- 1.10 Deputation requests must be made in writing, preferably by email to the officer named on the front of the meeting agenda, and should include an outline of what you want to cover in your deputation and the name and address of the person who will speak at the council meeting. We will let you know once we receive this and send you details of what happens before, during and after the meeting.
- 1.11 Deputation requests that are accepted will be published on the Council's website.

Part Six - Public Participation
Section F - Protocol for Livestreaming / Recording Council Meetings

Livestreaming

- 1.1 At the start of each meeting to be livestreamed, an announcement will be made to the effect that the meeting is being livestreamed.
- 1.2 Livestreaming will commence at the beginning of a meeting when the Chair opens the meeting and it will finish when the meeting is closed. No exempt or confidential agenda items shall be livestreamed. No part of any meeting will be live streamed after the Council has voted to exclude the press and public.
- 1.3 The Chair has the discretion to terminate or suspend the livestream if, in their opinion, continuing with it would prejudice the proceedings of the meeting. Circumstances that could lead to suspension or termination of the livestream include public disturbance or the potential infringement of the rights of any individual.
- 1.5 The content of livestreamed meetings will not be edited unless:
 - There is a legal reason to do so, for instance, confidential personal information is inadvertently disclosed or defamatory comments are made.
 - There are exceptional circumstances, such as an attendee being taken ill on screen.

No editing will take place unless the Monitoring Officer has first given their consent. A log will be maintained of webcasts where content has been edited and the reasons for this.

- 1.6 Should the livestream be halted for any reason, a note will be placed on the Council's YouTube channel as soon as practicable to advise of the reasons for this.
- 1.7 Recordings of livestreamed meetings will be available for playback on the Council's YouTube channel for 2 years from the date of the meeting.

Recording of Meetings by the Public

- 2.1 The Openness of Local Government Bodies Regulations 2014 gives the public the right to film, record audio, take photographs, and use social media and the internet at any Council meeting that is open to the public.

2.2 In order to ensure the effective conduct and management of Council meetings, the following guidelines and requirements apply:

- Anyone planning to record meetings of the Council and its public meetings through any audio, visual or written methods they find appropriate must not disturb the conduct of the meeting;
- Anyone can attend a public meeting to report on proceedings, either in 'real time' or after the conclusion of the meeting, on a blog, social networking site, news forum or other online media;
- A laptop, tablet device, smartphone or portable camera can be used to record a written or audio transcript of proceedings during the meeting;
- Facilities within the Town Hall and Council Chamber are limited, so recording equipment must be of a reasonable size and nature to be easily accommodated.
- Anyone intending to bring large or complex recording equipment must contact the Governance Officer whose name appears on the Agenda papers to see whether this can be accommodated.
- Proceedings must not be interrupted so digital equipment must be set to 'silent' mode.
- Recording equipment should be focused 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 that reporting or recording cease and a failure to comply with that instruction may lead to the person responsible being excluded from the meeting,
- Any person whose behaviour threatens to disrupt orderly conduct will be asked to leave.
- 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.

2.3 Failure to comply with the above requirements may result in the support and assistance of the Council in the recording of proceedings being withdrawn.

- 2.4 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 who disregards the protocol on recording meetings from the meeting in question and refuse entry to any further council meetings.
- 2.5 A copy of the protocol on recording meetings will appear on every meeting agenda published by the Council.

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Part Eight - Officers
Section C - Monitoring Officer Protocol

General introduction to statutory responsibilities

- 1.1 The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged in the London Borough of Hackney.
- 1.2 The current responsibilities of the Monitoring Officer role rest with the Director of Legal, Democratic & Electoral Services, who undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council.
- 1.3 The Monitoring Officer may appoint one or more Deputy Monitoring Officers if they consider that it would be conducive to the effective conduct of their statutory responsibilities.
- 1.4 A summary list of the statutory responsibilities appears in the table annexed to this document. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:
 - Complying with the law (including any relevant Codes of Conduct);
 - Complying with any general guidance issued from time to time;
 - Making lawful and proportionate decisions;
 - Not taking action that would bring the Council, their offices or professions into disrepute; and
 - Seeking early advice on issues relating to legal, constitutional or ethical matters.

Working Arrangements

- 2.1 The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers are designed to ensure the effective discharge of the Council's business and functions.

- 2.2 The Monitoring Officer will:-

- Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, in particular issues around legal powers, ethical standards, probity, propriety, and procedural or other constitutional issues;
- Have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Council, including joint bodies, partnerships, etc at which a binding decision of the Council may be made;
- Have the right to attend, and be heard, at any meeting of the Council before any binding decision is taken by the Council;
- In carrying out any investigation(s), have unqualified access to any information held by the Council and to any officer who can assist in the discharge of their functions;
- Ensure the other statutory officers (Head of Paid Service and the s151 Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, and procedural or other constitutional issues;
- Meet regularly with the Head of Paid Service and the s151 Officer to consider and recommend action in connection with corporate governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, and procedural or other constitutional issues;
- Report to the Council, from time to time, on the Constitution and any necessary or desirable changes;
- Report to the Council, as necessary, on the staff, accommodation and resources they require to discharge their statutory functions;
- Maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;

Relationships

3.1 The Monitoring Officer will develop effective working relationships to ensure the effective and efficient discharge of Council business with:

- The Mayor, Speaker, Group Leaders and Chairs of the committees, sub-committees and panels; and
- The external Auditor, the Local Government and Social Care Ombudsman and the Housing Ombudsman;

3.2 The Monitoring Officer shall be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues.

Monitoring the Protocol

4.1 The Monitoring Officer will report to the Constitution Committee as and when necessary on whether:

- The arrangements set out in this Protocol have been complied with; and
- Any amendments to this Protocol are required in the light of issues which have arisen.

Conflicts

5.1 Where the Monitoring Officer has received a complaint, or is aware of an event which may lead to them issuing a statutory report, relating to a matter upon which they have previously advised the Council, they shall consult the Chief Executive as to whether:

- The matter should be referred to the Deputy Monitoring Officer for investigation and reporting; or
- A neighbouring authority should be asked to make their Monitoring Officer available to investigate the matter and submit a report.

Summary of Monitoring Officer Functions

	Description	Source
1	Report on contraventions or likely contraventions of any enactment or rule of law.	Local Government & Housing Act 1989 ss 5, 5A (as inserted by SI 2001/2237).
2	Report on any maladministration or injustice where the Ombudsman has carried out an investigation.	Local Government & Housing Act 1989 ss 5, 5A (as inserted by SI 2001/2237).
3	Appointment of Deputy	Local Government & Housing Act 1989 s 5.
4	Power to delegate.	Local Government Act 2000 s 82A (as inserted by the Local Government Act 2003 s 113)
5	Report on resources	Local Government & Housing Act 1989 s5
6	Investigate misconduct in compliance with the Council's adopted Code of Conduct	Localism Act 2011 s 28
7	Establish and maintain registers of Members' interests and gifts and hospitality	Localism Act 2011 Chapter 7

	Description	Source
8	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee.	Localism Act 2011 Chapter 7
9	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members	Department for Communities & Local Government, Local Government & Social Care Ombudsman

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Part Nine - Codes and Protocols
Section E - Protocol concerning Remote Attendance at Meetings

Introduction

- 1.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which permitted remote attendance at, and remote access to, council meetings expired on 7 May 2021.
- 1.2 As a consequence, all meetings of the Council, except for Licensing Sub-Committee meetings which are not meetings convened under the Local Government Act, must be held face to face. We recognise, however, that sometimes elected Members and members of the public will not always be able to attend in person.
- 1.3 This protocol concerns remote attendance at Council meetings.

Times and Access to Meetings

- 2.1 Meetings will be held at the time notified on the agenda and the agenda will include details of the physical location for the meeting and the livestream link. Calendar appointments for elected Members will include the link to access the meeting via Google Meet.

Meetings of Council, Cabinet and all Council Committees etc (except Licensing Sub-Committee meetings)

Elected Members in Remote Attendance

- 3.1 An elected Member who accesses a meeting remotely:
 - Is not counted as being present at the meeting for the purposes of s85 of the Local Government Act 1972;
 - Does not count for the purposes of the quorum of the meeting;
 - May not vote on any item under consideration at the meeting; and
 - May speak on any item under consideration at the meeting with the permission of the Chair.

3.2 Elected Members should:

- Use all reasonable efforts to ensure that they have a stable connection to the meeting via wifi / mobile data. It is recommended that elected Members join the meeting no later than 5 minutes before the meeting is due to commence to test the stability of their connection.
- Not join a meeting remotely if they are located in a disruptive or noisy environment, for example on public transport or in a cafe.
- Ensure that their background is neutral or use the blurring option.
- Where they are a member of the Committee etc, have their cameras turned on at all times and microphones on mute unless they are called upon to speak.
- Where they are not a member of the Committee etc, have their cameras turned off and microphones on mute unless they are called upon to speak. If they are called upon to speak both the camera and microphone should be turned on.
- Use the 'raise hand' function to indicate to the Chair that they wish to speak.
- Not use the chat function for any reason other than to indicate that there may be an ICT issue relating to the meeting or that they are leaving the meeting.
- When referring to a specific part of a report or other document, refer to the paragraph / page number so that all members have a clear understanding of what is being referred to.
- Ensure that no other persons have access to the space from which they attend the meeting when confidential / exempt information is under consideration.
- Be careful not to allow exempt or confidential papers to be seen in the video-feed. If exempt or confidential papers are seen on the screen a member of the Governance team or the meeting facilitator will turn off the camera of the member and bring this to the attention of the elected member.

- 3.3 An elected Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting their link to the meeting is disconnected for whatever reason and reconnection is not achieved within a reasonable period.

Remote Attendance by Members of the Public

- 3.4 A member of the public may attend a meeting remotely in order to exercise a right to speak at the meeting or ask a question.

3.5 Members of the Public should

- Use all reasonable efforts to ensure that they have a stable connection to the meeting via wifi / mobile data. It is recommended that members of the public join the meeting no later than 5 minutes before the meeting is due to commence to test the stability of their connection.
- Not join a meeting remotely if they are located in a disruptive or noisy environment, for example on public transport.
- Ensure that their background is neutral or use the blurring option.
- Have their cameras turned on at all times and microphones on mute unless they are called upon to speak.
- Not use the chat function for any reason.
- When referring to a specific part of a report or other document, refer to the paragraph / page number so that all members have a clear understanding of what is being referred to.

- 3.6 If the meeting needs to go into a 'private' session to discuss confidential / exempt items of business, the Governance Officer will ensure that any members of the public who are present leave the meeting before consideration of the item begins.

Meeting Procedures

- 3.7 The Chair will follow the procedure rules set out in the Constitution in the usual manner.
- 3.8 The Chair, at the beginning of the meeting, will explain any arrangements around member and public participation. Any rulings given by the Chair during the course of the meeting are final. An elected member may request an explanation from the Chair as to their ruling, but once an explanation has been provided the ruling will be final.

Persons excluded from the Meeting

- 3.9 Where an elected Member or member of the public is required to leave the meeting under the terms of Council Procedure Rules 25 or 26 or the applicable Cabinet Procedure Rules, the person's connection to the meeting will be severed by the Governance Officer.

Licensing Sub-Committee Meetings

- 4.1 Meetings of the Council's Licensing Sub-Committees are not meetings called under the Local Government Act 1972 and therefore may be held remotely.
- 4.2 For elected Members this means that they
- Are counted as being present at the meeting for the purposes of s85 of the Local Government Act 1972;
 - Are counted for the purposes of the quorum of the meeting; and
 - May vote on any item under consideration at the meeting;
- 4.3 The rules relating to meetings referred to in paragraphs 3.1 to 3.9 above will apply equally to Licensing Sub-Committee meetings.