



CONSTITUTION COMMITTEE

Wednesday 29 March 2023 at 5.30 pm
Committee Room 102
Hackney Town Hall,
Mare Street, London E8 1EA

The live stream can be viewed here:

<https://youtu.be/pG9Ua6cX5qw>

back up link: <https://youtu.be/86paolysj0o>

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
21 March 2023
www.hackney.gov.uk

Contact: Natalie Kokayi
Governance Officer
natalie.kokayi@hackney.gov.uk

Constitution Committee

Wednesday 29 March 2023

Agenda

- 1 Apologies For Absence**
- 2 Declarations of Interest - Members to declare as appropriate**
- 3 Consideration Of The Minutes Of The Previous Meeting (Pages 7 - 14)**
- 4 Constitution Review (Pages 15 - 68)**
- 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 or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

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



MINUTES OF A MEETING OF THE CONSTITUTION COMMITTEE

MONDAY 30 JANUARY 2023

Link to live stream: <https://youtu.be/oMphuykkFm0>

Councillors Present: Deputy Mayor Cllr Anntoinette Bramble in the Chair

Cllr Alastair Binnie-Lubbock,
Cllr Margaret Gordon and Cllr Ian Rathbone

Present virtually: Cllr Lynne Troughton and Cllr Carole Williams

Officers in attendance: Lucinda Bell (Education Lawyer), Dawn Cater-McDonald (Director of Legal, Democratic and Electoral Services), Peter Gray (Governance Officer), Louise Humphreys (Head of Legal and Governance), Rabiya Khatun (Governance Officer), Natalie Kokayi (Governance Officer), Tessa Mitchell (Governance Team Leader) and Nkencho Okonta (Trainee Solicitor).

Also in attendance: Sudenaz Top and Mia Arthur (Representatives of Hackney Youth Parliament)

(Cllr Ian Rathbone left the meeting at 7.05pm)

The Chair welcomed Cllr Binnie-Lubbock to his first meeting of the Committee, representatives from Hackney Youth Parliament and a member of the public.

1 Apologies For Absence

1.1 There were no apologies for absence.

2 Declarations of Interest - Members to declare as appropriate

2.1 There were no declarations of interest.

3 Consideration Of The Minutes Of The Previous Meeting

3.1 Councillors considered the previous minutes of the meeting held on 13 July 2022.

RESOLVED:

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

4 Constitution Review - Parts One and Two

- 4.1 Deputy Mayor Bramble introduced the report providing an update on progress by the Constitution Officer Working Group (COWG) with the review of the Council's Constitution and presenting first and final drafts of various sections for review and approval as appropriate and outlined the format of meetings of the Committee going forward. It was highlighted that the date for the adoption of the new Constitution had been extended to July 2023 to allow the Committee further opportunities to reflect on proposed changes, enable consultation with stakeholders and soft testing around access to the website and feedback from young people in the Hackney Youth Parliament (HYP).
- 4.2 Deputy Mayor Bramble reported that officers had received comments from Cllr Troughton in relation to Council Procedure Rules and Part Six, Cllr Gordon in relation to Part Two and Three and some points from Cllr Binnie-Lubbock concerning certain elements of Parts One and Two. The comments regarding wording would be considered by the COWG and would be resolved with Councillors or if further clarity was needed it would be brought to a future Committee meeting, or could be considered by a smaller working group if required.
- 4.3 The Head of Legal and Governance gave a presentation on the Constitution Review update and those elements of the Constitution being considered at the meeting. A brief summary is provided below:
- Update on progress
 - Points to note - Plain English, spelling, amendments, cross- referencing and checks for consistency
 - Final Drafts - Part One: Your Council
 - Final Drafts - Part Two: Articles of the Constitution
 - First Drafts - Part Three: Responsibilities for Functions
 - First Drafts - Part Four: Council Procedure Rules
 - First Drafts - Part Four: Cabinet Procedure Rules
 - First Drafts - Part Six: Public Participation
 - First Drafts - Part Eight: Monitoring Officer Protocol
 - First Drafts - Part Nine: Protocol on Remote Attendance at Meetings
- 4.4 Councillors suggested the following amendments and areas for improvement:

Points to note

- The Head of Legal and Governance confirmed that the COWG had been following the principles of the plain English campaign when reviewing the wording within the Constitution.
- The Head of Legal and Governance stated that Plain English had recommended replacing numbered paragraphs and subparagraphs with bullet points when there was a list. However, concern was noted regarding the challenge of identifying and referring to a particular bullet point in a list that could be more than one page, which could make the document less accessible.

ACTION 1: The COWG to further review whether to retain numbered paragraphs.

- It was highlighted that the Scrutiny Panel would be reviewing the scrutiny section within the Constitution and invited Councillors from the opposition group to the meeting on 20 February 2023.

Part One - Your Council

- With regard to Rule 1.14 - Sustainability and Climate Change at page 29, it was suggested that environmental benefit should be included as one of the responsibilities for Councillors under decision making.
- With regard to Rule 1.15 - Equalities on page 29, it was suggested that care leavers be added to the protected characteristics group.
- When reviewing the duties of the Monitoring Officer and Section 151 Officer, Councillors asked whether it would be possible for officers to have regard to other cross-cutting policies such as the poverty strategy similar to Rules 1.14 - Sustainability and Climate Change and 1.15 - Equalities. The Director of Legal, Democratic and Electoral Services emphasised that some policies had changed over the years due to internal and external factors and suggested consideration be given to a policy without specifying the policy. The Chair requested that the COWG look further at the core cross-cutting policies within the Council which all residents should be aware of as important policies.

ACTION 2: The COWG to review further the core cross-cutting policies within the Council that all residents should have knowledge of.

- Rule 1.16 on page 29 - Further wording to include that the decision makers must try to identify other appropriate avenues for community engagement and resident participation in the decision making process.
- Page 29 to include a reference to Part Six - Public Participation for visitors wanting to participate in the Council.
- The Head of Legal and Governance highlighted that following the Armed Forces Act 2021, there would be a further amendment to Section B to reference the statutory obligations introduced for certain types of decisions.
- With regard to the definition of citizen, some Councillors suggested that citizen covered a wider group of people such as the business people in the borough who were not residents. It was important to define citizens by their responsibilities and functions rather than define a citizen. Another suggestion had been to include both residents and other citizens.

Part Two - Articles of the Constitution

- Discussion ensued on Rule 3.5 and having a rule for referring to political groups, in particular 'opposition groups'. The Chair indicated that the Constitution should distinguish between opposition groups based on their size and the number of groups. Councillors expressed the view that Rule 3.5 worked well and that it had reflected what the Council had done previously in terms of having majority and minority groups based on the seats won in the election. However, a Councillor requested further consideration be given in relation to an incumbent becoming the Principal Opposition Group in the event of two parties having equal numbers of members and instead to consider whether it should be determined by the group with the largest number of voters, which better reflected residents wishes. A Councillor indicated that it would be good

to look at how other Councils dealt with this situation and to provide some options to the Committee. The Head of Legal and Governance stated that if opposition groups wanted to be referred to as Opposition Group 1 and 2 consideration would also need to be given to determine which group would speak first after the majority group had spoken in the Council and Cabinet meetings. It was suggested that a rotation approach could be taken. The Chair referred this issue to the COWG for further clarity and for options to be presented to Committee Councillors in an email.

ACTION 3: The COWG to review and present more options relating to 'opposition groups' in an email to the Committee members.

- Councillors noted the inconsistent use of terms within the document such as 'Full Council' or 'the Council' and the 'Council is the Elected Mayor' and 'Members' and 'Elected Mayor and Councillors'. The Chair stated that an internal cross party working group had agreed to use the term 'Councillors' instead of 'Members'. The Head of Legal and Governance explained that 'the Council' referred to Hackney Council as a local authority, which was a legal entity. The Council meetings held with the entire Councillors were described as being the 'Full Council', and that Committee meetings that involved Council functions were referred to as meetings of the Council. The Mayor had been described as an 'elected member' and other members should be referred to as a Councillor within the document. The Head of Legal and Governance indicated that she would be willing to review the references. The Chair suggested referring to the 'Mayor and Councillors' and removing the use of the word 'Elected Mayor' and 'Members'.

ACTION 4: The COWG to review the document and replace 'Elected Mayor and Members' with the 'Elected Mayor and Councillors'.

- In relation to Rule 10.5, it was confirmed that joint Ward Forum meetings consisted of two or more Wards Forums holding a meeting jointly to discuss an issue that had cross boundary implications. The Chair indicated that an example of what happened within a Ward Forum could be included in the section as well as a general guide for those residents wishing to attend. Due to the flexibility of Ward Forums, Ward Councillors were responsible for advertising and arranging their meetings. It was suggested at Rule 10.3 on page 63 be amended to insert the word 'can' before 'meet up to three times'.

ACTION 5: The COWG to review this section.

- With regard to Rue 10.8, the Head of Legal and Governance indicated that she would liaise with the Scrutiny Team regarding incorporating more information about how Ward Forum meetings were advertised

ACTION 6: The Head of Legal and Governance to liaise with the Scrutiny Team about providing more information about how Ward Forum meetings were advertised.

Part Three - Responsibility for Functions

- It was suggested that it would be helpful to include a list of examples of executive and non-executive functions in this section and how they operated to make the document more accessible to the public and test people's understanding.

Part Four - Council Procedure Rules

- Rule 5.7 - It was suggested that a deputy for the opposition leader to speak at a Cabinet/council meeting should be included.
- Rule 9.5 - The Head of Legal and Governance explained that 'contemplated legal proceedings' was about the Council receiving a pre-action protocol letter before proceedings were issued by or at the court advising of minded legal proceedings against the Council challenging its decision and also correspondence from any party advising of the intention to take legal proceedings against the council or conversely the Council informing a party. It would not be appropriate to discuss any cases during the legal proceeding stages due to the legal constraints on officers. However, after the proceedings had concluded a full response to questions could be provided.
- Rules 9 and 10 - The Chair emphasised that these rules were helpful in the Council's process of openness and transparency to its residents. It was suggested that a maximum of 8 minutes should be considered for each question received from the public or Councillor.
- Rule 13 - Concern was expressed that the Monitoring Officer could unilaterally change an opposition sponsored business notification into a motion and whether it should be a requirement to consult with the opposition group. It was suggested that the debate time should be increased to a maximum of 15 minutes for a motion and to specify the allocated time for each speaker would be helpful. The Director of Legal, Democratic and Electoral Services indicated that as the Monitoring Officer she worked collaboratively with all political groups and would not change opposition sponsored business unilaterally and this could be clarified in the glossary.
- Rule 23 - Concerns were expressed regarding the record of members' attendance at meetings, in particular that a Councillor could be recorded as present having attended a meeting for a minimum of 15 minutes and Councillors proposed a minimum of 30 minutes for a meeting. The Head of Legal and Governance indicated that if the duration of the meeting was under 30 minutes, technically Councillors would not be considered present under the provisions of the Local Government Act and decisions could not be implemented. A Councillor indicated that she would email the COWG with an alternative suggestion.
- Rule 27 - It was noted that concerns about the time allocated for motions being insufficient had been raised previously and it had been agreed that this would be amended in the new edition of the Constitution. The Head of Legal and Governance outlined the proposed amendment to Rule 27 that suspended the Council's procedure rules to enable debate on motions to extend beyond 30 minutes subject to the meeting closing by 10.30pm without formal notice in advance of the meeting.
- Rule 29 - Councillors agreed that existing Rule 29 concerning smoking at meetings could be deleted. The Chair emphasised that officers could make the changes within the Constitution to reflect changes in the law or policies.
- Rule 30 - Concern was expressed about the wording for the use of electronic devices and it was suggested that the wording should be more

general as devices were also used to read speeches. It was noted that there were some issues with the numbering.

ACTION 7: The COWG to review the wording of this rule and the numbering.

- A Councillor requested the inclusion in the section of deputies of leaders of the opposition groups to be able to speak at Cabinet meetings.

Part 6 Public Participation

- Councillors suggested that consultations and Ward Forums should also be included in part six in order to highlight other ways people could contribute to the Council's decision-making process.
- The Chair stated that hyperlinks were being used within the document to make it more accessible and would be tested by stakeholders. The Head of Legal and Governance added that Governance Services had undertaken some project work to update the rules relating to deputations, petitions and questions on the Council's website to make it more accessible and the COWG would be monitoring this approach.
- A Councillor requested that the COWG review and ensure that this section was written in the third person and was consistent with the rest of the document.
- Section B Rule 1.4 - With regard to Licensing Sub-Committees being held remotely and representations made remotely, it was emphasised that the Council needed to mitigate against the exclusion of people in the decision making process that were unable to use electronic devices.
- It was important to set out the process for the scheme of delegations in particular executive committees.
- A Councillor stated that to ensure accessibility, it was necessary to have Committee agenda packs available at Hackney Town Hall for public inspection on request.

ACTION 8: The Head of Legal and Governance undertook to review the legislative provisions regarding access to information and the availability of a hard copy of agenda packs being available for inspection at Hackney Town Hall.

- A Councillor indicated that there should be other forms of communicating such as a video explainer.

4.5 A representative from the Hackney Youth Parliament thanked the Council for giving young people in Hackney the platform to engage on the Children and Young People Scrutiny Commission but welcome more young people representation on other Scrutiny Committees to discuss issues such as housing and sustainability, which was impacting on young people's life in Hackney. Councillors were asked to consider further engage with school children to promote the role of the Council and democracy. The representatives of Hackney Youth Parliament were informed that the Scrutiny Panel would be meeting on 20 February 2023.

ACTION 9:

1. The Chair will write to the Chairs of the Council's Scrutiny Commissions in relation to the representation and role of representatives from Hackney Youth Parliament at future meetings going forward,
2. To liaise with the Hackney Youth Parliament and the representative at the meeting providing general information, details of future meetings and an induction session for new representatives joining the scrutiny commission.
- 3 The Director of Legal, Democratic and Electoral Services stated that as part of the service's commitment to wider engagement they would continue to work closely with representatives from Hackney Youth Parliament to get young people involved in soft testing access to the website and getting feedback on accessibility of the Constitution.
4. The Chair emphasised that the Council held Local Democracy Week every year and would work with the Hackney Youth Parliament regarding the strengthening of this offer and providing resources for local schools such as video. The Council would liaise with other organisations to increase young voices in the Council.

Part 8 - Monitoring Officer Protocol

- Rule 2.2 - It was noted that any advice given by the Monitoring Officer should be recorded within the minutes of the meeting.

Part 9 - Protocol on Remote Attendance at Meetings.

- Councillors requested further discussion regarding the protocol on remote attendance at a future meeting and that further comments would be provided by email.
- The Chair stated that consideration needed to be given as to whether Councillors would be able to access agendas from their device.
- It was suggested that a Councillor attending remotely should be required to leave the private/exempt session of the meeting and that any questions relating to the report could be directed through the Chair to ensure the confidential information during this meeting was secure.

ACTION 10:

The COWG to further review:

1. Councillors' comments regarding the protocol on remote attendance at meetings.
2. Consider giving the Chair the discretionary power to allow a Councillor to turn off their camera during a meeting in certain circumstances.
3. Consider whether a Councilor attending remotely, with no voting rights, should be permitted to remain during the exempt/private session of the Council meeting to ensure confidentiality.
4. The Head of Legal and Governance stated that the protocol on remote attendance would be reviewed by the COWG and a draft protocol would be presented at a future meeting.
5. The Governance Officer to arrange two further meeting dates of the Committee in

April and May 2023.

- 4.6 The Chair indicated that any further suggestions or comments could be emailed to the COWG following the meeting.

RESOLVED:

1. That the final drafts of Parts One and Two of the Constitution appended to this report as Appendices 2 and 3 be approved subject to the additional points raised by Members within the meeting or in email correspondence being resolved.
2. That the points raised by Members within the meeting or in email correspondence in respect of the first drafts of those Parts and Sections appended to the report as Appendices 4 to 9 be reviewed by the COWG with amendments as necessary subsequently being made to those Parts and Sections.
3. That the insertion of cross-references taking place at a later stage and the continuing review by the COWG of all documents for typographical errors and plain English / grammatical improvements be noted.
3. That the revised timetable leading to approval of the Constitution by Full Council in July 2023 be endorsed.

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

- 5.1 There was no other urgent business.

Duration of the meeting: 5.30pm - 7.55pm



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| Title of Report | Constitution Review |
| For Consideration By | Constitution Committee |
| Meeting Date | 29 March 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. With regards to the format of meetings of the Committee, the approach adopted at the meeting on 30 January 2023 will continue to be used. Rather than using a ‘page turn’; 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 consider and provide comments / observations on the documents accompanying this report in Appendices 2 to 6.**

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.

- 3.2. Members should note that the Constitution Officer Working Group's efforts to improve upon the wording used in the Constitution to provide readers with greater clarity and to reflect the principles of plain English will continue until the new edition of the Constitution is finally adopted. This is an iterative process as the Constitution Officer Working Group considers comments from this Committee and others and resolves suggested amendments / additions. It is also something that requires time for reflection.

Overview and Scrutiny

- 3.3. The Monitoring Officer and Deputy Monitoring Officer were invited to attend a meeting of the Scrutiny Panel on 20 February 2023 to provide an outline of the Constitution Review and the work of the Constitution Committee.
- 3.4. As part of those discussions, the Scrutiny Panel considered Article 7 (Articles of the Council, Part Two) and the draft Overview and Scrutiny Procedure Rules and draft Call-in Procedure Rules, which will sit within Part Four.
- 3.5. Submissions for the Constitution Committee to consider are appended to this report at Appendix 2, which has been prepared by the Head of Scrutiny and Ward Forums in consultation with the Chair of the Scrutiny Panel, Councillor Gordon, to capture the points raised in the discussion. The relevant sections of the Constitution are appended to this report at Appendix 3 for ease of reference.

Part 7, Section B - Standing Orders Relating to the Holding of Office

- 3.6. This is a proposed new section for the Constitution aimed at providing information for members and the public alike on the legislative provisions with regards to when elections are held, taking office, resigning, filling of casual vacancies and vacation of office through non-attendance at meetings. The new section is appended to this report at Appendix 4.

Part 7, Section E - Elected Mayor's and Councillors' Access to Information

- 3.7. As advised at a previous meeting of the Committee, this is not a new element for the Constitution; rather the existing Access to Information section has been divided into two, one dealing with the public's rights and one dealing with the rights of elected members. The section covering the rights of elected members is appended to this report at Appendix 5.

Glossary

- 3.8. The COWG has been working on the revised Glossary for inclusion at the beginning of the Constitution. It would be of assistance to the COWG if Committee members could advise of any words / phrases / terminology used within the Constitution, other than those identified, which they consider would benefit from explanation. Likewise, if Committee members have any

comments or observations on the explanations used. The draft glossary is appended to the report at Appendix 6.

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 - Submissions from Scrutiny Panel

Appendix 3 - Parts of the Constitution relating to overview and scrutiny

Appendix 4 - Standing Orders Relating to the Holding of Office

Appendix 5 - Elected Mayor’s and Councillors’ Access to Information

Appendix 6 - Glossary

Background documents

None

| | |
|---|---|
| Report Author | Louise Humphreys Head of Legal and Governance louise.humphreys@hackney.gov.uk 020 8356 4817 |
| Comments for the Group Director of Finance and Corporate Resources prepared by | Jackie Moylan Director, Financial Management jackie.moylan@hackney.gov.uk 020 8356 3032 |

**Comments for the Director
of Legal, Democratic and
Electoral Services
prepared by**

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Director of Legal, Democratic and Electoral
Services
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Hackney Council Constitution Index

WORKING DRAFT

Glossary

Part 1 - Your Council

Section A - Overview

Section B - Core Objectives and Principles of Decision Making

Section C - Citizens' Rights

Part 2 - Articles of the Constitution

Part 3 - Responsibility for Council and Executive Functions

Part 4 - Procedure Rules

Section A - Council Procedure Rules

Section B - Cabinet Procedure Rules

Section C - Budget and Policy Framework Procedure Rules

Section D - Overview and Scrutiny Procedure Rules

Section E - Call-in Procedure Rules (extracted from the existing O&SP Rules)

Part 5 - Finance and Contract Rules

Section A - Financial Procedure Rules

Section B - Contracts Standing Orders

Part 6 - Public Participation

Section A - Attendance at Meetings

Section B - Public Speaking

Section C - Access to Information Procedure Rules

Section D - Petition Scheme

Section E - Deputations

APPENDIX 1

Section F - Protocol for Recording / Livestreaming of Council meetings

Part 7 - Elected Mayor and Councillors

Section A - Councillor Code of Conduct

Section B - Standing Orders relating to the Holding of Office

Section C - Members' Allowances Scheme

Section D - Protocol for Member / Officer Relations

Section E - Members' Access to Information

Part 8 - Officers

Section A - Proper Officers Roles and Functions

Section B - Officer Employment Procedure Rules

Section C - Monitoring Officer Protocol

Part 9 - Codes and Protocols

Section A - Planning Code of Practice

Section B - Licensing Code of Practice

Section C - Protocol on the Governance of Council Interests in Companies

Section D - Protocol on Remote Attendance at Council meetings

Appendices

1 - Council (non-executive) Functions

2 - Local Choice Functions

3 - Terms of Reference of Council Committees etc (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)

Appendix 2

Suggested Amendments and Queries on the Overview and Scrutiny Sections in the Constitution from Scrutiny Panel

| Section in Constitution | Area for Amendment | Suggested Change |
|--------------------------------------|---|--|
| Overview and Scrutiny Procedure Rule | <p><u>Members and Officers giving account</u></p> <p>18. Where any Councillor or Senior Officer is required to attend the Scrutiny Panel or a Commission under this provision, the Chair of that Panel / Commission will inform the Monitoring Officer who shall inform the Councillor or Senior Officer in writing giving at least 5 working days' notice of the meeting at which their attendance is required. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Commission. Where the account to be given to the Commission will require the production of a report, then the Member or Senior Officer concerned will be given sufficient notice to allow for preparation of that document.</p> | <p>Suggest change</p> <ol style="list-style-type: none"> 1. to remove this text "inform the Monitoring Officer who shall". 2.giving at least 10 working days' notice of the meeting. |
| | <p><u>Councillor Call for Action</u></p> <p>23. The Councillor Call for Action is a procedure which enables Councillors to have a matter referred to the Scrutiny Panel or relevant Scrutiny Commission for consideration. Prior to requesting such reference, Councillors are invited to raise the matter with the relevant Group Director or Lead Councillor in order to achieve settlement without the need for formal reference. Notwithstanding, the option for formal reference shall remain available.</p> | <p>Suggested change</p> <p>From 'invited' to 'required'.</p> |

Appendix 2

| Section in Constitution | Area for Amendment | Suggested Change |
|-------------------------|--|--|
| Article 7 | 7.2 make recommendations to Cabinet , Full Council | Suggested change should it say Mayor and Cabinet |
| | <p>Query re point 7.8 “The Panel will be responsible for establishing task-finish scrutiny panels and for considering a request made by any 5 non-executive Members for the call-in of a cabinet decision or a decision of the Joint committee of the Six Growth Boroughs. The Scrutiny Panel’s terms of reference are set out in Part 3 of the Constitution.”</p> <p>Queries to the Constitution Committee related to text above.</p> <ul style="list-style-type: none"> ● The reference to the joint committee of the Six Growth Boroughs. Does this still exist? ● In O&S procedure rules under Joint Committee point 36 states the Four Growth Boroughs. Which one is correct 6 or 4? ● Are the decisions of these meetings published - if not, how can they be called in? | |
| | 7.12 ‘Children and Young People Hackney Learning Trust ’ | <p>Delete Hackney Learning Trust from text.</p> <p>Replace with Children's Social Care Service, Hackney Education Service and Young Hackney - health and wellbeing of children and young people.</p> |

Appendix 2

| Section in Constitution | Area for Amendment | Suggested Change |
|-------------------------|---|---|
| | <p>7.13 The Children and Young People Scrutiny Commission shall include in its membership the following voting representatives: -</p> <ul style="list-style-type: none"> a) One London Diocesan board for Schools (Church of England) representative; b) One Roman Catholic Westminster Diocesan Schools Commission representative; c) Two parent governor representatives: and the following non-voting representatives; d) One Orthodox Jewish community representative; e) One representative from the North London Muslim Community Centre; f) One representative from the Free Churches Group; g) One representative from the Hackney Schools Governors' Association; and h) Up to five representatives from the Hackney Youth Parliament. <p>Query to the Constitution Committee related to text above.</p> <p>7.13 f - the current representative from the Free Churches Group is not a Hackney resident and has no close connection to the Borough. Can we stipulate this for all reps?</p> | <p>7.13 h - updated the text to state: 'up to 5 reps of HYP or Care Council'</p> |
| | <p>7.15 ii Scrutiny</p> <p>Bullet point 6 To make recommendations to Cabinet arising from the outcome of the scrutiny process for possible forwarding to Full Council;</p> | <p>Suggest Change</p> <p>From 'Cabinet' to 'Cabinet Member'</p> |

Appendix 2

| Section in Constitution | Area for Amendment | Suggested Change |
|-------------------------|---|---|
| | <p>7.15 iii Com rep Bullet point 3 To liaise with the Council's consultative Ward Forums and Enhanced Tenants Residents Associations on matters that affect or are likely to affect the local area;</p> <p><i>Should be clearer - common issues from ward forums may form scrutiny objectives</i></p> | <p>'To receive information from the Council's consultative Ward Forums and Enhanced Tenants Residents Associations on matters that affect or are likely to affect the local area;'</p> |
| <p>General</p> | <p>Following the manifesto commitment to set up commissions on behalf of the Exec. There is a possibility that residents may get confused and associate these as being part of the O&S function.</p> | <p>Suggested change</p> <p>Rename from 'Overview and Scrutiny Commissions' To be renamed as 'Overview and Scrutiny Committees'.</p> |

Appendix 3a

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:

- develop a rolling programme of scrutiny and review which shall be reviewed on a quarterly basis;
- Have oversight of the Community Strategy for the purpose of contributing to policy development;
- 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);
- 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;
- 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
- 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.

Appendix 3b

Part Four - Procedure Rules Section D - Overview and Scrutiny Procedure Rules

Arrangements for overview and scrutiny

1. The Council will have a Scrutiny Panel and four Scrutiny Commissions as set out in Article 7 of this Constitution. Article 7 sets out the broad framework for the operation of the Council's overview and scrutiny function. These rules set out some of the more detailed working arrangements.

Meetings of the Scrutiny Panel and Commissions

2. The Scrutiny Panel will hold 4 ordinary meetings in every municipal year. Extraordinary Meetings may be called from time to time if the Chair of the Panel or the Monitoring Officer considers it necessary or expedient.
3. The Scrutiny Commissions are each expected to meet at least 8 times every municipal year; this may include site visits and informal meetings undertaken as part of a review.

Quorum

4. The quorum for the Scrutiny Panel and the Scrutiny Commissions shall be one quarter of voting Members or three voting Members, whichever is the greater.

Chairs and Vice-chairs

5. The Chairs of the Scrutiny Panel and the Scrutiny Commissions shall be appointed at the Annual Meeting. The Vice-Chairs may be appointed at the Annual Meeting or at the first meeting of the Panel / Commission.
6. The Chair of the Scrutiny Panel must be a Councillor of the majority political group of the Council, but may not be a Chair of a Scrutiny Commission. The Vice-Chair shall ordinarily be a Councillor from the largest minority political group of the Council. However, if the largest minority group fails to make a nomination then the Scrutiny Panel may elect a Vice-Chair at their first meeting.

Reports from Scrutiny Panel or Commissions

7. Once a Scrutiny Panel or Commission has prepared recommendations, it will prepare a formal report for consideration by the Elected Mayor, a Cabinet Councillor, the Cabinet or Full Council as appropriate. A report to Full Council

is only usually necessary if the recommendation(s) would require a departure from or a change to the agreed budget or policy framework. Where recommendations are made that relate to an external organisation (such as an NHS Trust), the report will also be submitted to that body.

8. A copy of any report must be given to the Monitoring Officer. The Monitoring Officer must also be told by which decision making body the report is to be considered.
9. If the Scrutiny Panel or Commission cannot agree on one single final report, then up to one minority report may be prepared and submitted for consideration alongside the majority report.
10. When a report is referred to Full Council or Cabinet, the report of the Scrutiny Panel or Commission will normally be considered at the next scheduled meeting.

Ensuring that reports are considered by the Cabinet and other bodies

11. If a report is referred to Full Council, it must also consider the executive's response to the recommendations. The decision made by Full Council will be placed on the agenda of the next scheduled meeting of the Scrutiny Panel and/or Commission.
12. If the report is referred to Cabinet, the report will be considered under the standing item "Issues Arising from Overview and Scrutiny", unless it can be considered in the context of Cabinet's deliberations on a substantive item on the agenda. Cabinet shall also consider the response of the lead Cabinet Councillor(s) for the portfolio area(s) to which the report's recommendations relate. The outcome of the discussion by Cabinet will be placed on the agenda of the next scheduled meeting of the Scrutiny Panel and/or Commission.
13. In cases where the decision maker is the Elected Mayor personally or any other individual Councillor of the Cabinet, they must consider the matter and report back to the Scrutiny Panel and / or Commission within 2 weeks. If the Elected Mayor or Councillor does not accept some or all of the recommendations then they must include within that report the reasons for not doing so. A copy of the response must be sent to the Monitoring Officer. The Elected Mayor or Councillor must attend the meeting of the Scrutiny Panel and/or Commission that considers their response.
14. Where the decision-making is an external (non-Council organisation) and they have a statutory duty to respond to the Scrutiny Panel and / or a Commission, a written response shall be requested within the timescale required, or if

mutually agreed, by another set deadline, so the response can be placed on the agenda of the next scheduled meeting of the Panel and / or Commission. Where that organisation does not have a statutory duty to respond to the Scrutiny Panel and/or a Commission, a written response shall be invited within a reasonable period of time noting that, if submitted, the response would be placed on the agenda of the next scheduled meeting of the Panel and/or Commission.

15. The Scrutiny Panel and each Scrutiny Commission will in any event have access to the Executive Meetings and Key Decisions Notice (EMKDN) and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed consideration by the Panel or a Commission, the Panel or Commission will be able to respond in the course of the Executive's planned consultation process in relation to any Key Decision.

Rights of access to documents

16. The additional rights that members of the Scrutiny Panel and Commissions have to access documents are detailed in Part X of this Constitution.

Members and Officers giving account

17. The Scrutiny Panel and any Scrutiny Commission may scrutinise and review decisions made, or actions taken, in connection with the discharge of any Council functions relevant to the issues it is examining. As well as reviewing documentation, it may require any member of the Executive, the Head of the Paid Service and / or any senior Officer and, subject to contractual arrangements, any other person delivering a Council service, to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy;
- (c) the performance of relevant services; and / or
- (d) as required under the Council Petition Scheme

and it is the duty of those persons to attend if so required.

18. Where any Councillor or Senior Officer is required to attend the Scrutiny Panel or a Commission under this provision, the Chair of that Panel / Commission will inform the Monitoring Officer who shall inform the Councillor or Senior Officer in writing giving at least 5 working days' notice of the meeting at which their attendance is required. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are

required to be produced for the Commission. Where the account to be given to the Commission will require the production of a report, then the Member or Senior Officer concerned will be given sufficient notice to allow for preparation of that document.

19. Where, in exceptional circumstances, the Member or Senior Officer is unable to attend on the required date, the Scrutiny Panel / Commission will, in consultation with the Member or senior officer, arrange an alternative date for attendance, or, an alternative attendee.
20. A Senior Officer may determine that another Officer should attend because their knowledge and experience is more relevant to the issue being discussed.

Attendance by others

21. The relevant Scrutiny Panel or Commission will be able to exercise legal rights to require attendance by individuals who are not Officers, or Councillor of the Council, such as:
 - (a) the right to require attendance by an Officer of a local NHS body - Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2013;
 - (b) the right to require attendance by Officers or employees of responsible authorities and co-operating bodies of a local Community Safety Partnership - Crime and Disorder (Overview and Scrutiny) Regulations 2009; and
 - (c) the right to require information from partner authorities which relate to local improvement targets - Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012.
22. A Scrutiny Panel or Commission may invite people other than those referred to above to address it, discuss issues of local concern, and/or answer questions. It may, for example, wish to hear from citizens, stakeholders and Members and / or officers in other parts of the public or private sector; and shall be free to invite such people to attend.

Councillor Call for Action

23. The Councillor Call for Action is a procedure which enables Councillors to have a matter referred to the Scrutiny Panel or relevant Scrutiny Commission for consideration. Prior to requesting such reference, Councillors are invited to raise the matter with the relevant Group Director or Lead Councillor in order to achieve settlement without the need for formal reference.

24. Any member of any Scrutiny Panel / Commission, may by giving written notice of at least 15 working days to the Monitoring Officer, prior to the date of the meeting at which the Councillor wishes to raise the matter, request that any matter which is relevant to the functions of the Scrutiny Panel or Commissions, as the case may be, is included in the agenda for discussion at a meeting of the Panel or Commission.
25. Any Member of the Council, may by giving written notice of at least 15 working days to the Monitoring Officer, request that any local government matter which is relevant to the functions of the Scrutiny Panel or Commissions is included in the agenda and is discussed at a meeting of the Panel or Commission.
26. Any Member of the Council, may, by giving written notice of at least 15 working days to the Monitoring Officer, request that a local crime and disorder matter is included in the agenda for discussion at a meeting of the Living in Hackney Scrutiny Commission.
27. A local government matter pursuant to paragraph 25 shall not include:
 - (a) any matter relating to a planning decision;
 - (b) any matter relating to a licensing decision;
 - (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
 - (d) any matter which the Monitoring Officer determines to be vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Scrutiny Panel or Commissions.
28. A matter shall not fall within a description above if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.
29. The Scrutiny Panel and Commissions will undertake their proceedings pursuant to the powers set out in Article 7 of the Constitution.
30. Where a local government matter is referred to the Scrutiny Panel or one of the Commissions by a Member of the local authority, in considering whether or not to exercise any of its powers in relation to a matter, the Scrutiny Panel / Commission may have regard to:

- (a) any powers which a Councillor may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local Councillors in England); and
 - (b) any representations made by the Councillor as to why it would be appropriate for the Scrutiny Panel / Commission to exercise any of its powers to include a matter on the agenda for discussion at a meeting of any Panel/Commission.
31. If the Scrutiny Panel or Commission decides not to exercise any of those powers in relation to the matter, it shall notify the Councillor of –
- (a) its decision; and
 - (b) the reasons for it.
32. The Scrutiny Panel or Commission shall provide the Councillor with a copy of any report or recommendations which it makes to the authority or the Cabinet if the matter is included in the agenda and discussed at a meeting of the Scrutiny Panel / Commission.

Crime and Disorder Matters

33. The Living in Hackney Scrutiny Commission is the designated Crime and Disorder Commission. A “crime and disorder matter” means a matter concerning crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or the misuse of drugs, alcohol and other substances in that area.
34. Where the Living in Hackney Scrutiny Commission, as the Crime and Disorder Commission makes a report or recommendations to Full Council it must:
- (a) provide a copy of the report or recommendations to any member of the authority who referred the local crime and disorder matter in question to the Commission;
 - (b) provide a copy of the report or recommendations to such of the responsible authorities, co-operating persons and bodies as it thinks appropriate.
35. Where a copy of a report or recommendations is provided to a responsible authority, co-operating person or body under paragraph 13.2 above that authority, person or body shall:

- (a) consider the report or recommendations;
- (b) respond to the Living in Hackney Scrutiny Commission indicating what (if any) action it proposes to take;
- (c) have regard to the report or recommendations in exercising its functions.

Joint Committee of the Four Growth Boroughs

- 36. This Committee is a formally constituted Joint Committee undertaking executive functions on behalf of the Four Growth Boroughs including Hackney.
- 37. Decisions of the Joint Committee may be called-in by one or more participating boroughs pursuant to the Joint Committee's Procedure Rules. Each of the boroughs shall apply their existing overview and scrutiny arrangements to decisions of the Joint Committee.
- 38. Upon publication of the record of Joint Committee decisions, members of Hackney Council may call-in any such decision pursuant to the Joint Committee Procedure Rules.

Agenda items at Scrutiny Panel and Commission meetings

- 39. The Scrutiny Panel and Commissions shall include within their agendas the following business:
 - (a) declarations of interest (including whipping declarations);
 - (b) minutes of any previous meetings;
 - (c) consideration of the body's own work programme;

Other business

- 40. Where the Scrutiny Panel or Commissions conducts investigations (e.g. with a view to policy development), the Panel/Commission may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles; that:
 - (a) the investigation be conducted fairly and all Councillors (including co-opted Members) of the Panel / Commission be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (b) those assisting the meeting by giving evidence be treated with respect and courtesy;

- (c) the investigation be conducted so as to maximise the efficiency of the investigation or analysis;
 - (d) evidence collected is analysed; and
 - (e) any recommendations made are based upon that evidence.
41. Following any investigation or review, the Scrutiny Panel or Commission, may prepare a report for submission to the relevant decision-maker, Executive and/or Full Council as appropriate and shall make its report and findings public except to the extent that they may include confidential or exempt information.
 42. These procedure rules shall apply to any Scrutiny Commissions and working parties.
 43. Nothing in these procedure rules prevents more detailed liaison between the Executive and the Scrutiny Panel and Commissions as appropriate, depending on the particular matter under consideration.

Appendix 3c

Part Four - Procedure Rules Section E - Call In Procedure Rules

A 'call-in' is the process whereby Councillors who are not members of the Cabinet can request that executive decisions are considered by the Scrutiny Panel.

Scope of the rules

- 1.1 All Councillors have the ability to call-in the majority of "executive decisions", and this is a fundamental aspect of the Council's scrutiny processes. This includes decisions taken by the Elected Mayor and Cabinet, or Officers acting under powers delegated to them.
- 1.2 The power should only be used in exceptional circumstances where the Councillors calling-in the decision have evidence to suggest that:
 - (a) the decision maker did not take the decision in accordance with the principles of decision making, namely
 - proportionality (i.e. the action must be proportionate to the desired outcome).
 - due consultation and the taking of professional advice from officers.
 - respect for human rights.
 - a presumption in favour of openness.
 - clarity of aims and desired outcomes.
 - relevant matters have not been ignored.
 - consideration and evaluation of alternatives and reasons for decisions.
 - due regard to the statutory framework, guidance and Codes of Conduct.
 - (b) the decision maker did not act in accordance with the policy framework.
 - (c) the decision maker did not act in accordance with the Council's budget.
 - (d) the decision maker failed to consider relevant evidence when making the decision.
 - (e) the decision would not be in the interests of the borough's residents and a preferable alternative decision could be adopted.

Requirements for call-in

- 2.1 In order to ensure that call-in is not abused, nor causes unreasonable delay, the following requirements must be fully satisfied before a matter will be considered for call-in:
- (a) At least five Councillors who are not members of the Council's executive (one of which will be the named signatory) must request a call-in of the decision. The Councillors requesting the call-in will decide who will be the 'lead requestor'.
 - (b) The request for call-in must specify the reason for the call-in based upon paragraph 1.2 above and provide sufficient detail to enable the decision to be scrutinised.
 - (c) The request for call-in must be received by the Monitoring Officer within 5 working days of the decision being published. The request for Call-In should be submitted electronically to [EMAIL ADDRESS]. The lead requestor must complete and submit the form below and each of the other Councillors supporting the call-in must send an email in support. All emails must be sent from the Councillors' individual Council email addresses.
 - (d) The decision for which call-in is requested must not have been subject to a prior call-in request.

Suspension and publication of the decision

- 3.1 Decisions taken by the Cabinet, a Cabinet Member or an executive decision taken by an officer under delegated powers, will be published within [x] days of the decision being taken.
- 3.2 The decisions will include the date of publication and will specify that it will come into force, and may then be implemented, on the expiration of 5 days after publication unless the decision is called-in.

Assessing the call-in request

- 4.1 Upon receipt of any call-in request, the Monitoring Officer will assess the call-in form and the information supporting the request to decide whether it meets the requirements set out in these Rules.
- 4.2 The Monitoring Officer will have the final say as to whether the request is a valid call-in, with the presumption in favour of it being valid.

- 4.3. The decision will remain suspended until the Monitoring Officer has completed their assessment of the request. If the call-in request is deemed valid, the decision will remain suspended to enable the consideration of the call-in to take place, as detailed below.

Consideration of the call-in

- 5.1 The Monitoring Officer shall notify the Elected Mayor and Cabinet of any call-in that they determine to be valid.
- 5.2 The call-in shall be placed on the agenda for the next meeting of the Scrutiny Panel. However, if there is no meeting of the Scrutiny Panel scheduled to take place within 10 working days of the Monitoring Officer's decision, the Monitoring Officer shall arrange for a special meeting of the Scrutiny Panel to be held as soon as reasonably practicable, taking into account the existing calendar of Council meetings.
- 5.3 A report for the Scrutiny Panel shall be prepared, which shall include a copy of the decision called-in and a copy of the call-in request form.
- 5.4 The Scrutiny Panel will hear from the lead requestor, the Cabinet member within whose portfolio the decision rests and, in the case of a delegated officer decision, the officer who took the decision. The Chair of the Scrutiny Panel has the discretion to enable other persons to be heard at the meeting.

Outcomes of call-in

- 6.1 When considering the call-in, the Scrutiny Panel has the following options:
- a) Uphold the original decision: In this case, the original decision stands and can be implemented.
 - b) Uphold the call-in: In this case, the decision will be referred to either:
 - (i) The original decision maker for reconsideration.
 - (ii) The Cabinet for its consideration (where the original decision was taken by an officer under delegation).
 - (iii) Full Council, if the Scrutiny Panel concludes that the decision was contrary to the Council's Policy Framework or contrary to (or not wholly in accordance with) the approved Budget.

NB: In relation to (i) and (ii) above, the matter may not be called-in a second time.

Protection from call-in

- 7.1 The call-in procedure shall not apply where the decision being taken has been protected from call-in by the Chief Executive. A decision may only be protected if any delay likely to be caused by the call-in process, would seriously prejudice the interests of the Council or the public interest.
- 7.2 The Chair of the Scrutiny Panel must be consulted before any decision to protect is taken. In the absence of the Chair of the Scrutiny Panel, the Speaker is to be consulted.
- 7.3 To allow the protection to take place the Chief Executive must indicate their reasons for the decision to protect, this should be published online alongside the decision in question.
- 7.4 Any protection from call-in decision must be reported to the next meeting of the Full Council, including the rationale.
- 7.5 The operation of the protection provisions shall be monitored annually and a report submitted to Full Council if it is considered that any review of the provisions is necessary

Referral of decisions contrary to the Policy Framework or the Budget

- 8.1 Where the Scrutiny Panel concludes that the decision called-in is, or if made would be, contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget then as indicated above, the decision will be referred to Full Council.
- 8.2 The Monitoring Officer will prepare a report for Full Council, consulting with the s151 Officer in cases where the Scrutiny Panel concludes that the decision is contrary to or not wholly in accordance with the Budget. That report will include the original decision, the call-in request form and the minutes of the Scrutiny Panel. The Monitoring Officer, and s151 Officer as required, will include their findings as to whether the decision is or is not contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget.
- 8.3 The Monitoring Officer's report will be submitted to the next available meeting of Cabinet for their consideration and to determine what action it wishes to take having regard to the Monitoring Officer's findings.
- 8.4 At that meeting the Cabinet must decide upon the action it wishes to take, if any, with regard to the Monitoring Officer's findings and submit its own report to Full Council

8.5 When Full Council considers the Call-In and associated reports on the matter it has the following options:

- a) Endorse that the decision falls within the existing Policy Framework or the Budget. In this case no further action is required, and the decision of the Full Council will be recorded in its minutes and circulated to all Councillors in the normal way.
- b) Amend the existing Policy Framework or the Budget to encompass the decision of the body or individual responsible for that “Executive” function, and agree to the decision with immediate effect. In this case, no further action is required, and that decision of the Full Council will be recorded in its minutes and circulated to all Councillors in the normal way.
- c) Uphold the view that the decision is contrary to a Policy Framework Document or the Budget and choose not to amend policy to accommodate it, requiring the Cabinet to reconsider the matter further in accordance with the advice of the Monitoring Officer.

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Appendix 4

Part Seven - Elected Mayor and Councillors Section B - Standing Orders Relating to the Holding of Office

In this Section, all references are to the Local Government Act 1972, unless otherwise stated.

Ordinary Day of Election of Councillors

Section 37, Representation of the People Act 1983

1. The “ordinary day of election” of councillors is the first Thursday in May unless the Secretary of State changes it. To change the date the Secretary of State must use a special legal procedure before 1 February in the year before the change.

Election of Elected Mayor

Section 9H Local Government Act 2000

2. Elections for the Elected Mayor are held on the same day as the ordinary day of election, except in a small number of circumstances.

Term of Office of Councillors

Paragraph 6, Schedule 2

3. Councillors are elected for four years. This is called the term of office, which is the time they hold their position.
4. Councillors retire, or leave office, together every fourth year, four days after the ordinary day of election.
5. On that day, the newly elected councillors start their term of office.

Term of Office of Elected Mayor

Section 9H Local Government Act 2000 and Regulation 6, Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2012

6. The term of office of an Elected Mayor is four years.
7. The Elected Mayor’s term of office starts on the fourth day after the election and ends when the term of office of another Elected Mayor starts.

Resignation of Mayor or Councillor

Section 84

8. An Elected Mayor or Councillor can resign from office by giving signed, written notice to the Chief Executive. The resignation takes effect when the Chief Executive receives the notice.

Filling of “Casual Vacancy” in Office of Councillor

Section 89

9. When a councillor does not complete the four year term office (because they resign, are disqualified or die), a vacancy arises that is called a casual vacancy. In these circumstances, an election to fill the vacancy is held -
 - (a) Where the High Court or the Council have declared the office to be vacant, within thirty-five days of the date of the declaration.
 - (b) In all other cases, within thirty-five days of notice being given to the Chief Executive. This must be in writing and given by two local government electors for the Borough.
10. The Returning Officer fixes the date for the election to fill a casual vacancy.
11. When a casual vacancy occurs within six months of the ordinary day that councillors retire from office, an election for a casual vacancy is not unusually held. Instead, the election will take place at the next ordinary election. However, if the total number of unfilled vacancies in the membership of the Council is more than one third of the full number of members, an election to fill the casual vacancy will be held.

Filling of “Casual Vacancy” in Office of Elected Mayor

Regulation 9, Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2012

12. When a casual vacancy arises in the office of elected Mayor, an election to fill the vacancy is held -
 - (a) Where the High Court or the Council have declared the office to be vacant, within thirty-five days of the date of the declaration.
 - (b) In all other cases, within thirty-five days of notice being given to the Chief Executive. This must be in writing and given by two local government electors for the Borough.
13. If the Council has passed a resolution to make a change to its governance arrangements, there will be no election to fill this casual vacancy.
14. Where a casual vacancy occurs within six months of the ordinary day of retirement from the office, no election will be held before the next ordinary election.

Election and Term of Office of Speaker

Paragraphs 2 and 3, Schedule 2

15. The Speaker is selected annually by the Council. All councillors who are not members of the executive may be elected as Speaker. This election happens at the very beginning of the Annual Meeting.
16. The Speaker continues in office until a new Speaker is elected, unless they resign, become disqualified or die.
17. During their term of office, the Speaker continues to be a member of the Council, even if they retire as councillor.
18. If the outgoing Speaker has ceased to be a member of the Council by the time of the Annual Meeting, they are not entitled to vote in the election of a new Speaker, unless there are equal votes for one or more nominees, when they will have a casting vote.

Filling of Casual Vacancy in the Office of Speaker

Section 88

20. If a casual vacancy for the office of Speaker arises, an election to fill the vacancy must be held no later than the next ordinary meeting of the Council.
21. However, if the next ordinary meeting of the Council is to be held within 14 days from the date the vacancy arises, the election to the office of Speaker must be held no later than the following ordinary meeting.

Term of office of persons filling casual vacancies

Section 90

22. A person elected to fill a casual vacancy holds office until the day the person in whose place they were elected would have retired.

Members of Council not to be appointed as officers

Section 116

23. A Councillor cannot be appointed by the Council to any paid office while they are a member of the Council or for a year after they stop being a member of the Council.

Acceptance of Office

Section 83

24. A person elected to the office of Speaker, Deputy Speaker, Councillor or Elected Mayor cannot act in that office unless:

- (a) they have made a declaration of acceptance of office as prescribed by rules made by the Secretary of State, and
 - (b) they have delivered this to the Chief Executive within two months from the date of election.
25. If the declaration is not made and delivered to the Chief Executive within this time, the office of the person elected becomes vacant.

Vacation of office by failure to attend meetings

Section 85

26. If a member of the Council fails to attend any meeting of the Council (including any committee, sub-committee, joint committee, joint board or other body discharging the functions of the Council) for six consecutive months from the date of their last attendance, they will cease to be a member of the Council, unless Full Council approved the absence before the end of the six months.
27. If any Cabinet member fails to attend any meeting of the Cabinet (including a Cabinet committee or decisions made by Cabinet members acting alone) for six consecutive months from the date of their last attendance, they will cease to be a member of the Council unless Full Council approved the absence before the end of the six months.
28. A person will not be disqualified from office only for failing to attend meetings as above if:
- (a) they are a member of any branch of His Majesty's naval, military or air forces when employed during war or any emergency on any naval, military or air force service, or
 - (b) their employment in the service of His Majesty in connection with war or any emergency,

and

the Secretary of State decides that they should not be disqualified from office because of this absence, if the failure to attend is due to this employment.

Appendix 5

Part Seven - The Elected Mayor and Councillors

Section E - The Elected Mayor's and Councillors' Rights to Access Information

1. The Elected Mayor and Councillors have a right to see the majority of information which the Council holds so they can carry out their duties as elected members of the Council. This can range from information about services to information about their constituents.
2. This document sets out guidance on the circumstances in which members may gain access to information owned by the Council. If further advice regarding a particular situation is required, this can be obtained from the Monitoring Officer.

Rights to Access Material

3. The Elected Mayor and Councillors have a right to see documents, or parts of documents, where this is reasonably necessary to enable them to perform their duties as elected members or their role within the Council. This is commonly referred to as the 'need to know' principle. This covers cases where they seek to see information which relates to a committee of which they are a member.
4. This does not amount to an automatic right to see documents and the right of access does not extend to areas which are not within their direct responsibility.
5. In addition to the general right, any elected member has a statutory right to see documents which contain information relating to:
 - a. Business transacted at meetings of the Executive (including panels and forums), the Council and its Committees;
 - b. Any decision that might be made by a portfolio holder in accordance with the Council's Constitution; and
 - c. Any key decision made by the Officer.
6. Some categories of information are exempt from this provision and the list of exemptions is set out at the end of this document. The practice in the Council is that elected members can generally see all information, even if it is exempt. However, there will be some circumstances where this is not the case, for example, where it concerns personal matters. If exempt information is disclosed then it is to be treated in confidence in accordance with the requirements of the Councillor Code of Conduct.
7. If the Council is minded not to disclose exempt information, it will consider whether, in all the circumstances of the case, the public interest in disclosing the information outweighs the public interest in maintaining the exemption. If so, the information will be disclosed.

Overview and Scrutiny

8. In addition to the above rights, members of the Scrutiny Panel and Scrutiny Commissions can obtain exempt information or confidential information if it is relevant to an action or decision that is being reviewed or scrutinised. These members will also be entitled to copies of any document which is in the possession or control of the Executive, Executive (Cabinet) Committee, a Portfolio Holder, Advisory Panel or Consultative Forum and which contains material relating to:
 - Any business transacted at a meeting of the Executive, Executive (Cabinet) Committee, Advisory Panel or Consultative Forum; or
 - Any decision made by an individual member of the Executive.
9. Confidential information is defined as:
 - Information provided to the local authority by a government department which has forbidden the disclosure of the information to the public; or
 - Information which cannot be disclosed to the public by a law or court order

Freedom of Information Act 2000 (FOIA)

10. The Elected Mayor and Councillors have the same rights as any other member of the public to request information under the FOIA. Any such request should be dealt with under the Council's procedure for FOI requests.
11. It should be noted that political groups are not part of the Council and therefore the Freedom of Information Act does not apply to them.

Data Protection Act / General Data Protection Regulations

12. The provisions of the Data Protection Act / General Data Protection Regulations apply to any personal information relating to individuals. The position differs according to the capacity in which the Elected Mayor and Councillors may be acting.

Elected members as data controllers

13. The Elected Mayor and Councillors are data controllers under the General Data Protection Regulations and are responsible for the personal data that they collect, store, use and delete.

Acting on behalf of local residents

14. A local authority does not generally have to get the consent of an individual to disclose their personal information to the Councillors provided that:
- The Councillor represents the ward in which the individual lives;
 - The Elected Mayor or Councillor makes it clear that they are representing the individual in any request for their personal information to the local authority; and
 - The information is necessary to respond to the individual.

Disclosure for political purposes

15. The disclosure of information for political purposes is generally not permitted except where the local authority is required to publish information or where information is aggregated and does not identify any living individuals, so long as the data cannot be linked to specific individuals.

Sensitive information

16. Certain information is classified as sensitive under the Data Protection Act and General Data Protection Regulations including information about racial or ethnic origins, political opinions and religious beliefs. Normally, consent from the individual or another condition specified under the Act is required before disclosure can be made. However, disclosure of such information to the Elected Mayor and Councillors is allowed where they have been asked by the individual to take action on their behalf and the information is necessary in order for them to assist.

Care Proceedings

17. The Family Proceedings Court Rules 1991 lay down strict rules in respect of information relating to family proceedings. Information can only be disclosed with leave of the court. This is not restricted to documents filed with the court but covers any information relating to these proceedings. Members cannot see any such information in any circumstances, even where he or she is representing a constituent.

Councillor Code of Conduct

18. The provisions of the Councillor Code of Conduct contains details as to when confidential or exempt information can / cannot be disclosed. The disclosure of confidential or exempt information other than as permitted is a breach of the Code of Conduct.

Requests for Information

19. Where the Elected Mayor or Councillor makes a request for information and the Officer to whom it is made is unsure whether the information can be disclosed, advice should be sought from the Monitoring Officer.
20. Where a request for information is granted, the appropriate Service Head / Director or Group Director may place restrictions on how that information is to be accessed, for example by viewing it at the Council's offices, and / or specify steps which are to be taken to ensure the security of that information.
28. The Elected Mayor and Councillors must not use information for any other reason than that specified in their request.



Exempt information

- 1) Information relating to any individual.
- 2) Information which is likely to reveal the identity of an individual.
- 3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 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.
- 7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The following categories apply to meetings of the Standards Committee or Sub-Committees in connection with the investigation and consideration of an allegation of a breach of the Code of Conduct for Councillors:

- Information which is subject to any obligation of confidentiality.
- Information which relates in any way to matters concerning national security.
- The deliberations of a Standards Committee or of a sub-committee of a Standards Committee in reaching any finding on a matter relating to the conduct of a Councillor or Co-opted member.

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APPENDIX 6

Glossary of Terms Found in the Constitution

Throughout the Constitution the following words and phrases shall have the meaning set out below.

Any reference to legislation in the Constitution is a reference to that legislation as may be amended from time to time.

Access to Information Rules

The Council's rules detailing how notice of meetings is to be given, how the public can access agendas and reports, the circumstances in which the public may be excluded from meetings and procedures for the making of key decisions. The Access to Information Rules can be found in Part X of this Constitution. Additional rules relating to information which the Elected Mayor and Councillors are entitled to can be found in Part X of this Constitution.

Agenda

A document which sets out the items to be considered at any meeting of the Council. Agendas must be published in advance of the meeting in accordance with legislation and the Access to Information Rules.

Annual Meeting

The meeting of Full Council at which the Speaker is elected. Other business related to the beginning of a new municipal year is also conducted.

Articles of the Constitution

The Articles of the Constitution set out the basic rules which govern the Council's business. More detailed procedures are found in the various Rules, Codes of Conduct and Standing Orders.

Background Paper

Any document which has been relied upon by an Officer in the preparation of a report for one of the Council's meetings. Background papers must be retained and available for inspection for 4 years beginning with the date on which the decision was made.

Best Value

The duty imposed on the Council by the Local Government Act 1999 to secure 'continuous improvement in the way in which functions are exercised having regard to economy, efficiency and effectiveness'.

Budget

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

Budget and Policy Framework

The plans and strategies which have to be adopted by Full Council and within which the Elected Mayor and Cabinet, Committees and Officers must operate.

Cabinet

The Cabinet is made up of the Elected Mayor of between two and nine other Councillors appointed by the Elected Mayor. Cabinet is responsible for the discharge of those functions and responsibilities defined as 'executive functions' under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and also those functions which are known as 'local choice functions' where Full Council has decided they should be the responsibility of Cabinet.

Cabinet Councillors

Those Councillors appointed by the Elected Mayor to the Cabinet. Each Cabinet Member is responsible for a Portfolio and attends, speaks and votes at meetings of the Cabinet.

Cabinet Committees

Committees that may be set up from time to time by the Elected Mayor and Cabinet to make decisions about certain executive functions. Only Cabinet Councillors may be appointed to Cabinet Committees.

Call for Action

A process introduced by the Local Government and Public Involvement in Health Act 2007 to strengthen the role of Councillors, to act on behalf of residents to resolve a local issue of consent, acting as a last resort for people who cannot get issues resolved through any other means.

Call-in

The mechanism through which executive decisions which have been made but not yet implemented, can be reviewed by the Scrutiny Panel; this includes decisions taken by Cabinet or decisions which have been delegated to Officers.

Capital Expenditure

Spending, usually on major assets like a building, where the benefit of the asset lasts for more than one year.

Chair

The person who presides over a meeting of Council, a Committee or any Sub-Committee.

Chief Executive

The Officer with overall management and operational responsibility for the Council. The post holder is also the Head of the Paid Service as defined in section 4 of the Local Government and Housing Act 1989.

Chief Finance Officer

The Officer appointed in accordance with section 151 of the Local Government Act 1972 who has responsibility for the administration of the financial affairs of the authority. Hackney's Chief Finance Officer is the Officer appointed to the position of Group Director, Finance and Corporate Resources.

Chief Officers

The Chief Officers of the Council are the Chief Executive; the Group Director, Adults, Health and Integration; the Group Director, Children and Education; the Group Director, Climate, Homes and Economy; the Group Director, Finance and Corporate Resources; Monitoring Officer (Director of Legal, Democratic and Electoral Services); and the Director, Public Health.

Clear Day

A clear working day excludes Saturdays, Sundays and bank and public holidays. When referring to Council meetings and the legal requirements around publication of agendas, clear working days also exclude the date of publication of the agenda and the date of the meeting.

Committee

A group of Councillors, and potentially voting and non-voting co-optees, which has been appointed by the Council or Cabinet to discharge specific functions. The terms of reference of Committees and Sub-Committees are set out in Part X of this Constitution.

Confidential Information

Defined in section 100A(3) of the Local Government Act 1972 as:

- information given to the Council by a Government department upon terms which forbids its disclosure to the public, or
- information which cannot be disclosed to the public by law or by Court order.

The management of confidential information is explained in the Access to Information Procedure Rules set out in Part X of this Constitution.

Constitution

The document setting out how the Council operates, how decisions are made and the procedures that have to be followed.

Contract Standing Orders

The rules and procedure which govern the Council's procurement processes and how it enters into contracts as set out in Part X of this Constitution.

Co-optee

A person who is appointed to serve on a Committee or Sub-Committee of the Council but who is not a Councillor or Officer. Co-optees do not normally have voting rights on Committees although there are exceptions; for example, parent governor and church representatives on the Children and Young People's Scrutiny Commission, who by law are voting members.

Council, The

The short name used when referring to The Mayor and Burgesses of the London Borough of Hackney.

Councillor

An individual who is democratically elected to serve on the Council by registered electors within a Ward. Councillors may sometimes be referred to as 'members', although this is a broader term that includes the Elected Mayor. There are currently 57 Councillors.

Councillor Code of Conduct

The document which has been adopted by the London Borough of Hackney setting out what is expected of the Elected Mayor, Councillors and co-optees in terms of their conduct and behaviour. A copy of the Councillor Code of Conduct can be found in Part X of this Constitution.

Delegated Powers

Powers delegated by the Elected Mayor or Full Council to another body or individual to enable them to make decisions or discharge functions in their place.

Deputations

A deputation is a presentation from registered electors about a matter for which the local authority has a responsibility or which affects the Borough. Deputations can be made to Full Council or Cabinet. Rules about deputations can be found in Part X of this Constitution.

Deputy Speaker

A Councillor, who is not a member of the Cabinet, appointed by Full Council at the Annual Meeting. In the absence of the Speaker, the Deputy Speaker will perform the functions of Speaker.

Director, Public Health

The Director, Public Health is a statutory Officer who has responsibility and duties as specified in legislation across all three main areas of public health (health protection, health improvement and healthcare services). The Director, Public Health is appointed jointly by the Council and the Secretary of State, although they are then employed by the Council.

Elected Mayor, the

An individual who is democratically elected to serve on the Council by registered electors within the whole borough and who is entitled to carry out all of the Council's executive functions. Elections for the office of Elected Mayor are usually held at the same time as elections for Councillors.

Executive Functions

Those functions of the Council which the Local Government Act 2000 and the Local

Authorities (Functions and Responsibilities) (England) Regulations 2000 states are to be the responsibility of the Elected Mayor or if they decide by Cabinet, individual Cabinet Councillors or Officers. Executive Functions also include those local choice functions which the Council has decided should be the responsibility of the Elected Mayor.

Exempt Information

Information falling within 7 categories specified in Schedule 12A of the Local Government Act 1972 which usually cannot be disclosed to the public. The management of exempt information is explained in the Access to Information Procedure Rules set out in Part X of the Constitution.

Extraordinary Meeting

A meeting of the Full Council, a Committee or the Cabinet, which is called in addition to those which appear on the Council's calendar of meetings.

Financial Procedure Rules

The rules and procedures which govern financial management and control within the Council as set out in Part X of this Constitution.

Forward Plan

A document prepared by the Monitoring Officer on behalf of the Council which gives a minimum of 28 clear days' notice of Key Decisions to be made by the Cabinet, its Committees or Officers. The document may also include other important decisions to be made by Full Council, its Committees or Officers.

Full Council

A meeting that the Elected Mayor and all 57 elected Councillors are entitled to attend.

Group Directors

Officers who have responsibility for more than one directorate are known in the Council as Group Directors.

Group Leader

The persons appointed by a Political Group to act as the leader of that group of Councillors.

Head of the Paid Service

The Officer appointed by the Council who is responsible by law for coordinating the manner in which the Council discharges its different functions, determining the number and grades of staff required by the Council to discharge its functions, the organisation of Council staff and the appointment and proper management of Council staff. The Head of the Paid Service is the Chief Executive.

Independent Adviser

Refers to the person appointed by the Council and reporting to the Secretary of State, Chief Executive and Elected Mayor to provide advice and to monitor compliance by the Authority with Government Directions in respect of Financial Regulations.

Independent Member

A member of the Council who is not a Co-optee, Councillor, Elected Mayor or a Council Officer.

Independent Panel

A Committee appointed by the Council for the purpose of advising the Council on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer or Chief Finance Officer. The Independent Panel must include at least two Independent Persons.

Independent Person

A person appointed by the Council under the Localism Act 2011. The Monitoring Officer is required by law to seek the views of the Independent Person and to take these into consideration where an allegation is made that there has been a breach of the Councillor Code of Conduct prior to making a decision whether to investigate that allegation. The Localism Act prescribes a number of conditions which must be met before an individual can be appointed to the role of Independent Person.

Joint Committee

A committee comprising Councillors of two or more local authorities created under section 102 of the Local Government Act 1972.

Key Decision

A Key Decision is a decision which is defined in the Local Authorities (Executive

Arrangements) (Meetings and Access to Information) Regulations 2012 as an executive decision which is likely to:

- 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 decision relates; or
- 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.

Further guidance on Key Decisions is included in the Access to Information Procedure Rules in Part X of this Constitution and in Article 13.

Licensing Code of Practice

A document which provides guidance on how Councillors and Officers should deal with planning matters. The aim of the Licensing Code of Conduct is to ensure that licensing decisions are made openly, impartially, with sound judgement and for justifiable reasons.

Local Choice Functions

Those functions which by law the Council can choose to be either an Executive Function or a Non-Executive Function.

Majority Group

The Majority Group is the Political Group who has the majority in terms of the number of Councillors who form that Political Group when compared to the total number of elected Councillors.

Mayoral Advisors

Councillors appointed by the Elected Mayor to support them in discharging the Mayor's executive functions. Mayoral Advisors may attend and contribute to Cabinet meetings but cannot vote.

Members' Allowance Scheme

The scheme under which the Elected Mayor, Councillors, Independent Person, Independent Members and Co-opted Members are entitled to receive allowances in respect of carrying out their duties and for fulfilling any special responsibilities allocated to them. The Scheme is set out in Part X of the Constitution.

Monitoring Officer

The Officer appointed by the Council in accordance with section 5 of the Local Government and Housing Act 1989 to promote and maintain high standards of ethical conduct and to ensure the lawfulness and fairness of decision-making. The Monitoring Officer may personally appoint one or more Deputy Monitoring Officers who may act in place of the Monitoring Officer if they are unable to act owing to absence or illness. At the Council the Monitoring Officer is the Director of Legal, Democratic and Electoral Services.

Municipal Year

The period between the Annual Meetings of the Council, which are usually held in May.

Non-Executive Functions

Those functions of the Council which the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states are not to be the responsibility of the Elected Mayor and Cabinet along with those local choice functions which the Council has decided should not be the responsibility of the Elected Mayor and Cabinet.

Officers

The staff employed by the Council to work for it and make decisions on its behalf..

Opposition Group(s)

Opposition Group(s) is / are those Political Group(s) who have a minority in terms of the number of Councillors who form that Political Group when compared to the total number of elected Councillors.

Petition

A formal written request appealing to the Council in respect of a particular cause or question. The Council operates a Petition Scheme detailing how the Petitions can be submitted and the process by which they will be considered. This is set out in Part X of the Constitution.

Planning Code of Conduct

A document which provides guidance on how Councillors and Officers should deal with planning matters. The aim of the Planning Code of Conduct is to ensure that

planning decisions are made openly, impartially, with sound judgement and for justifiable reasons.

Political Assistant

An Officer of the Council who is appointed specifically to provide assistance to members of a Political Group or the Elected Mayor. The Local Government and Housing Act 1989 and the The Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 set out the framework regulating the appointment and conduct of Political Assistants for Political Groups and the Elected Mayor respectively.

Political Balance Rules

The rules set out in the Local Government and Housing Act 1989 which direct how Political Groups are to be proportionately represented on the Council's Committee, Sub-Committees and certain other bodies.

Political Group

A group of two or more Councillors who have given notice to the Chief Executive that they wish to be treated as a political group and who have indicated the name by which they are to be known and the person who is to act as its leader.

Portfolio

The responsibilities or roles allocated to a Cabinet Member by the Elected Mayor.

Proper Officer

An Officer appointed in accordance with section 270(3) of the Local Government Act 1972 to carry out specified actions and duties on behalf of the Council. A list of the Council's Proper Officers can be found in Part X of this Constitution.

Protocol

A document forming part of the Constitution which provides guidance on how individuals interact with each other or how things should operate.

Quorum

The minimum number of people who have to be present before a meeting can take place. The quorums for Full Council, Cabinet, Committees and Sub-Committees are set out in the relevant procedure rules in Part X of this Constitution.

Reserve

A sum set aside for future spending where the timing and amounts are unknown.

Returning Officer

The person who is responsible for arranging elections and who formally announces the results.

Revenue Expenditure

Day to day running costs. Revenue expenditure is financed out of the revenue budget which is set every year.

Scheme of Delegation

A document which sets out which powers / functions have been delegated by the Elected Mayor or Council and explains the limitation on the exercise of those powers / functions.

Scrutiny Commission(s)

Those bodies which have been appointed by Council to discharge the overview and scrutiny functions as set out in the Local Government Act 2000. The Commissions hold the Executive to account through consideration of decisions and undertake policy reviews of matters that affect the borough's residents. The findings of the Commissions can be reported to Cabinet, Full Council or to an outside partner. The Commissions undertake functions relating to particular themes and service areas as set out in their terms of reference. The membership of the Commissions is politically balanced and consists of Councillors who are not Cabinet Councillors.

Scrutiny Panel

The Scrutiny Panel has been established to co-ordinate and oversee the work of the Scrutiny Commissions and which is responsible for considering Call-Ins.

Secretary of State

The title typically held by Cabinet Ministers in charge of Government Departments, for example the Secretary of State for Foreign Affairs. They are all also currently members of Parliament elected to the House of Commons. There are currently 16 different secretaries of state.

Section 151 Officer

The Officer appointed in accordance with section 151 of the Local Government Act 1972 who has responsibility for the administration of the financial affairs of the

authority. This position is also known as the Chief Finance Officer. The section 151 Officer is the Group Director, Finance and Corporate Resources.

Speaker, the

A Councillor, not being a member of the Cabinet, elected by Full Council at the Annual Meeting. The Speaker of Hackney Council is the first citizen of the borough and, as such, will normally carry out the ceremonial duties of the Council. In addition to their roles and duties as a Councillor, the Speaker will have the additional responsibilities set out in Article 6 of this Constitution.

Standing Orders

Rules which the Council has adopted to regulate its business and proceedings. There are also separate Standing Orders relating to the appointment and dismissal of staff and the process leading up to and the making of contracts. These are set out in Part X of this Constitution.

Statutory Deputy Mayor

A member of the Cabinet appointed by the Elected Mayor to act as their deputy. In specified circumstances, the Statutory Deputy Mayor may exercise any and all of the powers of the Elected Mayor.

Sub-Committee

A group of Councillors (including where appropriate co-opted members) appointed by a Committee to take responsibility for one or more aspects of its functions or function.

Task & Finish Group

A small working group of interested Councillors who review specific issues of concern within a designated time frame. Task & Finish Groups report to the Committee or Commission that established them. They are frequently used in the overview and scrutiny context.

Terms of Reference

A written document setting out the responsibilities and boundaries of a particular Committee or Sub-Committee

Vice-chair

The person appointed to deputise for, and preside at meetings, in the absence of the Chair.

Virement

The movement of funds during the course of a financial year from one area of expenditure to another.

Ward

A subdivision of the borough. The London Borough of Hackney currently has 21 Wards and the electors in each ward elect 2 or 3 Councillors to represent them.

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