

MINUTES OF A MEETING OF THE CONSTITUTION COMMITTEE

WEDNESDAY 12 JULY 2023

THIS MEETING WAS LIVESTREAMED AND CAN BE VIEWED HERE:

[HTTPS://WWW.YOUTUBE.COM/WATCH?V=KJOWB68XJV0](https://www.youtube.com/watch?v=KJOWB68XJV0)

Councillors Present: Deputy Mayor Cllr Anntoinette Bramble in the Chair

Cllr Alastair Binnie-Lubbock and
Cllr Lynne Troughton

Present Virtually: Cllr Margaret Gordon (Vice-Chair))

Apologies: Councillor Ian Rathbone Dawn Carter-McDonald
(Director of Legal, Democratic and Electoral Services)

Officers in Attendance: Louise Humphreys (Head of Legal and Governance-virtual), Natalie Kokayi (Governance Officer), Tessa Mitchell, (Governance Team Leader); Bola Roberts (Secretarial Assistant) - arrived at 6pm.

The Chair welcomed Members to the meeting.

1 Apologies For Absence

1.1 Apologies were received from Cllr Rathbone.

2 Declarations of Interest - Members to declare as appropriate

2.1 There were none.

3 Consideration Of The Minutes Of The Previous Meeting

3.1 Councillors considered the previous minutes of the meeting held on 23 May 2023. Matters arising were addressed at agenda item 5.

RESOLVED:

That the minutes of the Constitution Committee held on 23 May 2023 were agreed as a true and accurate record of proceedings.

4 Committee Work Programme

4.1 In line with established good practice, the Constitution Committee set out a work programme for the municipal year. The suggested work programme at Appendix 1 was intended to inform the Committee on the work to be

undertaken following the conclusion of the Constitution Review. The proposals in the work programme included consideration of the Council's Scheme of Delegation.

- 4.2 It was noted that occasional constitutional issues may arise and where those queries or suggestions occurred they were logged. Issues that were outside the Monitoring Officer remit to make changes had to be presented to the Committee to consider how the issue had to be addressed. An extraordinary committee meeting was an option where there were constitutional issues that had to be considered outside of the existing scheduled committee meeting timetable.
- 4.3 Members suggested scheduling a further Committee meeting into the Municipal Calendar in November 2023.

ACTION1: Officers to schedule an additional Constitution Committee meeting in November 2023.

RESOLVED:

That the work programme for 2023/2024 as detailed in Appendix 1 be approved.

5 Adoption of New Constitution

- 5.1 The Head of Governance and Legal introduced the report outlining continued work of the Constitutional Officer Working Group (COWG) since agenda publication to make typographical changes and grammatical corrections. Officers are working to finalise the front cover for the new Constitution ahead of Full Council.
- 5.2. The Head of Legal and Governance noted the focus of the meeting had been to consider the remaining issues raised at the Constitution Committee meeting in May 2023 and the outcome of the public engagement exercise that had been carried out.

Engagement

- 5.3. Summary outcome was provided in the report at Appendix 1. Seventeen people participated in the focus group. The approach used was informational and interactive with questions from residents about how the Constitution worked and how they were able to participate more broadly in council democratic processes.

Points to note:

- The focus group highlighted the need for the work required to publicise the
- Constitution after it was adopted by Council.
- Democracy Week in October 2023 presented an opportunity to publicise the
- Constitution and the role it played in the way the council worked and the role of public participation.
- Participants welcomed the proposed use of hyperlinks and the inclusion of a glossary and micro-glossary.
- The focus group provided a baseline knowledge on which the year 1 review

had to be undertaken.

- The focus groups had been an invaluable part of local democracy and there was significant interest expressed about how the council worked more broadly and how residents can get involved.
- Ideas from participants, including summary guides, video explainers, previous live streams, and walkthroughs with officers in the Council Chamber were proposed as routes for engagement and resident participation.
- There had been no information available on the demographics of the focus group participants to provide an understanding of how representative the focus group members were of the borough's demographics.
- It was proposed to provide explanatory text (Accordions) when the Constitution was published on the council website to help guide readers through the document.
- It was noted that the ongoing work of the committee had to build in benchmarking related to accessibility and navigation of the Constitution.
- Focus group participants had been asked to give their permission to allow for future contact to support the development of improved participation and public understanding of the Constitution.

ACTION 2: Officers to request details of the demography of focus group participants.

References to Opposition Group in Article 3.5 of Article 3

- 5.4. The COWG had undertaken a benchmarking exercise to ascertain how other local authorities had dealt with the question of how to refer to opposition groups where they had the same number of Members. Of the Councils checked none included any information in the similar Article of their Constitution or elsewhere on these points.

Points to Note:

- The Vice-Chair on Scrutiny Panel was reserved to a member of the Principal Opposition Group.
- There was a query regarding the resources allocated to the Principal Opposition Group
- It was considered that the use of the term 'Principal Opposition' should be replaced with 'Largest Opposition or 'The Opposition'.
- If two parties had the same number of seats then annual rotation was considered to have merits as it resolved questions about allowances.
- Drawing lots was noted as a traditional method to resolve the issue.
- The benchmarking exercise suggested that the case was made for remaining silent.
- Option (3) in the report was considered to provide clarity to opposition groups..
- The opportunity to review the approach was to be considered as part of the year 1 review of the new Constitution.
- The Local Government Association was available for guidance, as necessary.

ACTION 3: Officers to ask Member Services to confirm the allowances available to the Principal Opposition Group(s) when there are two Opposition Groups with an equal number of councillors

Council Procedure Rules - Motions

- 5.5. The Head of Legal and Governance noted that the Committee had asked officers to review the wording relating to motions in the Procedure Rules. Officers have included additional text to provide clarity. In addition, officers had started the development of informal guidance, as a working dynamic document that sat alongside the Constitution to assist Members through the process. It was noted that there may be a number of amendments and the procedure was the meeting considered one amendment at a time.
- 5.6. Council Procedure Rule 25 had been amended to require a person to stand when addressing the meeting, with the caveat that the person was able to do so.
- 5.7. The Head of Legal and Governance provided updates on Matters Arising from the previous meeting. It was noted that the Guillotine Procedure remained to be explained and included in the glossary.
- 5.8. The Committee congratulated the Head of Legal and Governance and thanked officers for the work on the draft Constitution.

ACTION 3: Officers to explain the Guillotine Procedure and include it in the Glossary of Terms.

RESOLVED:

- **The Committee determined that opposition groups within paragraph 3.5 of Article 3 be removed.**
- **The Committee noted the outcome of the public engagement exercise.**
- **That, subject to any amendments required to fulfil the Committee's resolution concerning the reference to opposition groups in paragraph 3.5 of Article 3 and any further typographical or grammatical corrections, that the Committee recommend to Full Council that the Constitution accompanying the report in Appendix 2 be adopted.**

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

- 6.1 There was no other business.

END OF MEETING

Duration of the meeting: 17:33-18:40

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