



CHANGES TO THE CONSTITUTION: NEW OVERVIEW AND SCRUTINY ARRANGEMENTS

COUNCIL MEETING DATE

1 MARCH 2017

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

Tim Shields, Chief Executive

1. INTRODUCTION

- 1.1 This report seeks Full Council's approval to amend the Constitution in accordance with the proposed new overview and scrutiny arrangements, as set out in a separate report to Full Council. The proposed changes can be found in Appendices 1 to 4.
- 1.2 This report also proposes a separate amendment to the Council's Petition Scheme to allow the Council to take account of petitions generated on third party websites.

2. RECOMMENDATION

- 2.1 Full Council is recommended to approve the amendments to the Constitution as set in appendices 1 to 4 of this report with effect from the start of the 2017/18 Municipal Year.

3. OVERVIEW AND SCRUTINY CHANGES

- 3.1 A separate report is being made to Full Council seeking approval to adopt new overview and scrutiny arrangements for the 2017/18 Municipal Year following a review. As described in that report, it is proposed to disband the Scrutiny Chairs Group, the Community Safety and Social Inclusion Scrutiny Commission and the Governance and Resources Scrutiny Commission and establish an Overview and Scrutiny Panel and a Working in Hackney Scrutiny Commission.
- 3.2 The Overview and Scrutiny Panel will meet at least four times a year and will: maintain an overview of the scrutiny work programme; be responsible for considering the call-in of any executive decision (this is currently the responsibility of the individual Scrutiny Commissions); co-ordinate the involvement of scrutiny in the budget process; identify cross cutting reviews to deal with scrutiny opportunities which fall in-between the remits of the topic-specific commissions; operate as a forum of shared learning to share good practice; and hold question time for the Mayor and Chief Executive.
- 3.3 The Panel shall comprise of 9 Members (who cannot be Members of the Executive) and shall include the Chairs and Vice-Chairs of the Scrutiny Commissions and a member of the larger opposition group. The Overview and Scrutiny Panel's Chair shall be a Member of the majority political group of the Council. Chairs of the Scrutiny Commissions are not eligible for the position of Chair of the Scrutiny Panel. The vice-chair of the Panel should be a member of the larger opposition party.
- 3.4 As set out in the Schedule of Changes to the Constitution (Appendix 1), it is proposed that the Chair of the Overview and Scrutiny Panel will assume responsibility for being notified, in the first instance, of decisions to be taken under General Exception and to give consent, in the first instance, for decisions to be taken under Special Urgency. Currently, the Chair of the relevant Scrutiny Commission must be notified/give consent.

- 3.5 Further, it is proposed in the revised Overview and Scrutiny Procedure Rules (Appendix 4), paragraph 11, that the Chair of the Overview and Scrutiny Panel be given authority to consent to waiving the call-in procedure in circumstances where a decision is urgent. Again, currently this responsibility rests with the Chair of the relevant Scrutiny Commission.
- 3.6 Constitutional changes are also proposed to reflect the new Scrutiny Commission structure as follows:
- 3.6.1 The Community Safety and Social Inclusion Commission and the Governance and Resources Commission to be deleted;
 - 3.6.2 The creation of a new scrutiny commission, Working in Hackney Scrutiny Commission, with the remit of the prosperity of the borough and development, in particular economic development, employment and large scale schemes;
 - 3.6.3 The Living in Hackney Scrutiny Commission remit amended to include responsibility for the quality of life in local communities covering neighbourhoods, place, wellbeing, amenities. The Commission will also be given statutory responsibility for crime and disorder matters following the deletion of the Community Safety and Social Inclusion Commission;
 - 3.6.4 Children and Young People's Scrutiny Commission remit to remain unchanged (except for minor changes to terms of reference); and
 - 3.6.5 Health in Hackney Scrutiny Commission remit to remain unchanged (except for minor changes to terms of reference);
- 3.7 Appendix 1 of this report provides a schedule of all consequential changes proposed to the Constitution to give effect to new overview and scrutiny arrangements. Appendix 2 details the revised Article 7 to be inserted in Part 2 of the Constitution and which describes the roles and responsibilities of the Overview and Scrutiny Panel and Commissions. The terms of reference for the Panel and Commissions, to be inserted into Part 3 of the Constitution, are set out in Appendix 3, whilst the new Overview and Scrutiny Procedure Rules are contained in Appendix 4.
- 3.8 In addition to making changes to reflect the proposed new overview and scrutiny arrangements, it is further proposed to increase the number of Hackney Youth Parliament Co-optees on the Children and Young People's Hackney Scrutiny Committee from four to five. This proposed change is reflected in the revised Article 7 (Appendix 2).

4. COUNCIL PETITIONS SCHEME

- 4.1 It is proposed to amend the Petitions Scheme, contained in Part 6.2 of the Constitution, to allow the Council to take account of petitions which are generated on external websites. Currently petitions will only be taken into account if they are submitted by paper or generated electronically on the Council's website.

4.2 The amendments to the Petitions Scheme to give effect to this proposed change is set out in the Schedule of Changes (Appendix 1). In order for the Council to take account of an external electronic petition, the organiser of the petition will need to contact the Council and comply with all other relevant requirements set out in the Scheme.

5. LEGAL CONSIDERATIONS

5.1 In accordance with Article 15 of the Constitution, the changes proposed to the Constitution can only be approved by Full Council.

6. FINANCIAL CONSIDERATIONS

6.1 There are no financial consequences arising from amendments to the Constitution as set in appendices one to four of this report.

6.2 A separate report shall be made to Full Council to update the Members' Allowances Scheme.

Tim Shields
Chief Executive

BACKGROUND PAPERS

Full Council Report – 1st March 2017 – Overview and Scrutiny Review Report

Appendix 1 – Schedule of Changes to the Constitution

Appendix 2 – Revised Article 7, Overview and Scrutiny

Appendix 3 – New terms of reference for the Overview and Scrutiny Panel and Commissions

Appendix 4 – Overview and Scrutiny Procedure Rules

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