

APPENDIX 1 – DRAFT – SCHEDULE OF CHANGES TO THE CONSTITUTION

| | Part | Description |
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| 1. | Part 1, Introduction | <p>On page 3, amend the Overview and Scrutiny section to read as follows –</p> <p>“Overview and Scrutiny The Overview and Scrutiny Panel and Commissions monitor the performance of Cabinet and have the power to review other matters of concern to the borough’s residents. They support the work of Cabinet and the Council as a whole.</p> <p>The Overview and Scrutiny process allows residents to have a greater say in Council business by holding public inquiries into matters of local concern. There may lead to reports and recommendations which advise the Cabinet and Council as a whole on its policies, budget and service delivery. Such reports may also be presented to any organisation affecting the borough’s economic, environmental, or social well-being.</p> <p>The Overview and Scrutiny Panel shall help co-ordinate and oversee the scrutiny function of the Council and to provide support to the work of the Overview and Scrutiny Commissions. The relevant Overview and Scrutiny Panel Commission will consider any call-in of an executive decision that has recently been made by the executive or under delegated authority by an officer. The Commissions Panel may recommend that the decision be reconsidered but cannot stop implementation of the decision indefinitely or impose alternative views.</p> <p>The relevant Overview and Scrutiny Commission may be consulted by the Cabinet or Full Council on forthcoming decisions or the development of policy.</p> <p>A Scrutiny Chairs Group shall meet twice a year to help co-ordinate and oversee the scrutiny function of the Council and to provide support to the work of the Overview and Scrutiny Commissions.”</p> |
| 2. | Part 1, Introduction | On page 5, update decision-making structure chart to reflect the new Overview and Scrutiny Structure |
| 3. | Part 1, Introduction | On page 7, amend the definition of “Call-in” as follows – |

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| | | “A process whereby non-executive Members can suspend an executive decision within five days of it being taken. The relevant Overview and Scrutiny Panel Commission will then meet to consider the decision and may refer it back to the decision-maker for reconsideration.” |
| 4. | Part 1, Introduction | <p>Insert a new definition as follows -</p> <p>“Overview and Scrutiny Panel An Overview and Scrutiny Panel has been established to co-ordinate and oversee the work the Overview and Scrutiny Commissions. The Panel is also responsible for considering a request for a call-in of an executive decision. The Panel consists 9 Councillors, who cannot be members of the Executive, and shall include the chairs and vice-chairs of the Scrutiny Commissions and a member of the largest opposition group (if not already represented as a chair or vice-chair of a Commission). The Panel’s chair shall be a member of the majority group of the Council and cannot be a chair of a Scrutiny Commission. The Panel’s vice-chair shall be a member of the largest opposition group.”</p> |
| 5. | Part 1, Introduction | On page 15, delete the definition of the “Scrutiny Chairs Group” |
| 6. | Part 1, Introduction | <p>On page 16, delete the definition of “Task-finish Scrutiny Panel” and replace as follows –</p> <p>“A body that may be created by the Overview and Scrutiny Panel to undertake a time-limited review of a specific issue as defined within terms of reference set by the Overview and Scrutiny Committee. The Task-Finish Scrutiny Panel will report its findings and any recommendations to the Overview and Scrutiny Panel or a relevant Scrutiny Commission.”</p> |
| 7. | Part 2, Article 2 – Citizens | <p>Amend paragraph 2.7(ii) as follows –</p> <p>“...be asked to contribute to the work of the Overview and Scrutiny Panel and Commissions”</p> |
| 8. | Part 2, Article 4 – Full Council | Add “Overview and Scrutiny Panel” to paragraphs 4.6 (iv) and (v) |
| 9. | Part 2, Article 5 – The | In paragraph 5.6 (iii) delete “Scrutiny Chairs Group” and replace with “Overview and Scrutiny |

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| | Executive | Panel” |
| 10. | Part 2, Article 5 – The Executive | Amend the last sentence of paragraph 5.8 as follows – “Members of the Cabinet may not be members of the Overview and Scrutiny Panel or an Overview and Scrutiny Commission.” |
| 11. | Part 2, Article 7 – Overview and Scrutiny Commission | Delete and replace in its entirety (see Appendix 2) |
| 12. | Part 2, Article 9 – Council Committees | Amend paragraph 9.1.6 to read as follows – “ The Overview and Scrutiny Panel and Overview and Scrutiny Commissions have been established to help hold the Executive to account and to assist with the development of Council policies. There is also a Scrutiny Chairs Group which co-ordinates the scrutiny function of the Council. Further information can be found in Article 7 of this Constitution.” |
| 13. | Part 2, Article 13 – Decision-making | Amend paragraph 13.10 as follows “ Decision-making by the Overview and Scrutiny Panel and Commissions The Overview and Scrutiny Panel and Commissions will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.” |
| 14. | Part 3, Terms of Reference | Delete the terms of reference for the Overview and Scrutiny Commissions and insert new terms of reference for the Overview and Scrutiny Panel and Commissions (see Appendix 3) |
| 15. | Part 4.1, Council Procedure Rules | Amend the last sentence of paragraph 12.3 as follows – “Where there is not an item on the Full Council agenda of the same subject, the Monitoring Officer may refer the Deputation to the Executive, the Mayor, another member of the Executive, a Mayoral Advisor a Committee of the Council, the Overview and Scrutiny Panel or an Overview and Scrutiny Commission” |

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| 16. | Part 4.1, Council Procedure Rules | <p>Amend paragraph 12.8 as follows –</p> <p>“...any Member shall be at liberty, when the item is called by the Chair, to move a motion without notice that the deputation be not received or that it be referred to the Executive, the Mayor, another member of the Executive, a mayoral Advisor a Committee of the Council, the Overview and Scrutiny Panel or an Overview and Scrutiny Commission...”</p> |
| 17. | Part 4.1, Council Procedure Rules | <p>Amend paragraph 15.5 as follows –</p> <p>“Any Member may move that a motion be referred for consideration to the Executive, the Mayor, another member of the Executive, a Mayoral Advisor, a Committee of the Council, the Overview and Scrutiny Panel or an Overview and Scrutiny Commission...”</p> |
| 18. | Part 4.2, Access to Information Procedure Rules | <p>Amend the first sentence of paragraphs 1.1 and 9.1 to add “Overview and Scrutiny Panel” to the list of committees.</p> |
| 19. | Part 4.2, Access to Information Procedure Rules | <p>Amend paragraph 16.1(i) (General Exception) to reads as follows –</p> <p>“the Monitoring Officer has informed, in writing, the Chair of the relevant Overview and Scrutiny Panel Commission, or, if there is no such person or if the Chair is unable to act, has informed the Speaker”</p> |
| 20. | Part 4.2, Access to Information Procedure Rules | <p>Amend paragraphs 17.1 and 17.2 (Cases of Special Urgency) to read as follows –</p> <p>“17.1 Where the date by which a key decision must be taken makes compliance with Rule 16 (general exception) impracticable, then the decision shall only be made where the decision maker obtains the agreement of the Chair of the relevant Overview and Scrutiny Panel Commission that the taking the decision is urgent and cannot reasonably be deferred.</p> <p>17.2 If there is no Chair of the relevant Overview and Scrutiny Panel Commission, or if the Chair is unable to act, then the agreement of the Speaker or in his/her absence the Deputy Speaker will suffice.”</p> |

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| 21. | Part 4.2, Access to Information Procedure Rules | <p>Amend paragraph 19.3 as follows –</p> <p>“Where the date by which a meeting must be held makes compliance with Rules 19.1 and 19.2 impracticable, the meeting may only be held in private where the Monitoring Officer has obtained agreement of the Chair of the relevant Overview and Scrutiny Commission Panel Commission that the taking of the decision is urgent and cannot reasonably be deferred. If there is no Chair of the relevant Scrutiny Commission Panel Commission, or if the Chair is unable to act, then the agreement of the Speaker or in his/her absence the Deputy Speaker will suffice.”</p> |
| 22. | Part 4.2, Access to Information Procedure Rules | <p>Amend paragraph 25 to replace any reference to “Overview and Scrutiny Commission(s)” with “Overview and Scrutiny Panel and Commissions(s)”</p> |
| 23. | Part 4.2, Access to Information Procedure Rules | <p>Amend paragraph 26 as follows –</p> <p>“26.1 Where the Executive are of the opinion that a decision is not to be treated as a key decision, the relevant Overview and Scrutiny Commission Panel Commission may require the Executive to submit a report...”</p> <p>26.2 The Scrutiny Commission Panel Commission can specify the reasonable period within which the report should be submitted”</p> |
| 24. | Part 4.3, Budget and Policy Framework | <p>Throughout paragraph 2 (Process for developing the framework) amend any reference of “Overview and Scrutiny Commission” to read “Overview and Scrutiny Panel or Commission”</p> |
| 25. | Part 4.3, Budget and Policy Framework | <p>Amend paragraph 4.1 and 4.2 (Urgent decision outside the budget or policy framework) as follows –</p> <p>“4.1 The Executive, or officers, or joint arrangements discharging executive functions, may take a decision which is contrary to the Council’s policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, if the decision is a matter of urgency. However the decision may only be taken: i) if it is not practical to convene a quorate meeting of the Full Council; and ii) if the Chair of the relevant Overview and Scrutiny Commission Panel Commission agrees that the decision is a matter of urgency.</p> |

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| | | <p>4.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the relevant Overview and Scrutiny Panel's Commission's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the relevant Overview and Scrutiny Panel Commission, the consent of the Speaker and, in the absence of both, the Deputy Speaker, will be sufficient."</p> |
| 26. | Part 4.3, Budget and Policy Framework | Throughout paragraph 7 (Call-in of decisions outside of the budget or policy framework) delete all references to "an Overview and Scrutiny Commission" and "the relevant Overview and Scrutiny Commission" and replace with "the Overview and Scrutiny Panel" |
| 27. | Part 4.4, Budget and Policy Framework | <p>Amend paragraph 5.6 as follow –</p> <p>"The leader of any opposition group, the Chair and Vice-Chair of the Overview and Scrutiny Panel, the Chairs and Vice-chairs of the Overview and Scrutiny Commissions and the Speaker may attend and speak at any meeting of the Executive and shall be entitled to be sent all Executive agendas and reports."</p> |
| 28. | Part 4.4, Budget and Policy Framework | <p>Amend paragraph 5.7 as follows –</p> <p>"iii) matters referred to the Executive (by the Overview and Scrutiny Panel, an Overview and Scrutiny Commission or by Full Council) for reconsideration by the Executive ...;</p> <p>iv) consideration of reports from the Overview and Scrutiny Panel and Overview and Scrutiny Commissions"</p> |
| 29. | Part 4.4, Budget and Policy Framework | <p>Amend paragraph 9 as follows –</p> <p>"9.1 All reports to the Executive on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders, the Overview and Scrutiny Panel and Commissions and the outcome of that consultation.</p> <p>9.2 ...where consultation has been undertaken with an the Overview and Scrutiny Panel or a Commission, the outcome of that consultation will be reported."</p> |

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| 30. | Part 4.5, Overview and Scrutiny Procedure Rules | Delete and replace in its entirety (see Appendix 4) |
| 31. | Part 5.2, Protocol for Member/Officer Relations | In paragraph 7 and 12, replace any reference to “Overview and Scrutiny Commissions” with “Overview and Scrutiny Panel and Commissions” |
| 32. | Part 6.1, Members’ Allowances Scheme | A separate report shall be made to Full Council to update the Members’ Allowances Scheme |
| 33. | Part 6.2, Council Petitions Scheme | <p>On page 355, delete the introduction and replace as follows –</p> <p>“The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from us within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.</p> <p>Petitions can be submitted to the Council, provided that they comply with the guidelines and requirements* set out in this Scheme, as follows:-</p> <ul style="list-style-type: none"> i) Paper petitions can be sent to: Governance Services, London Borough of Hackney, Town Hall, Mare Street, London, E8 1EA; ii) Petitions can be created, signed and submitted through the Council’s website by following this link: http://mginternet.hackney.gov.uk/mgePetitionListDisplay.aspx?bcr=1 iii) Petitions created on 3rd party websites will also be taken into account provided that the creator of the petition emails governance@hackney.gov.uk.” |
| 34. | Part 6.2, Council Petitions Scheme | On page 356 in paragraph 2 delete “In Hackney these committees take the form of an Overview and Scrutiny Board and five Scrutiny Commissions” and replace as with “In Hackney these |

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| | | committees take the form of an Overview and Scrutiny Panel and four Scrutiny Commissions.” |
| 35. | Part 6.2, Council Petitions Scheme | On page 358, in the section regarding Anti-Social Behaviour, delete reference to the “Community Safety and Social Inclusion Scrutiny Commission” and replace with “Living in Hackney Scrutiny Commission” |
| 36. | Part 6.2, Council Petitions Scheme | On page 359, Petitions to hold an officer to account, delete the words “the Overview and Scrutiny Board or one of its five Commissions” and replace with “the Overview and Scrutiny Panel or one of the four Scrutiny Commissions”. |