

AMENDMENTS TO THE COUNCIL CONSTITUTION	
COUNCIL 26 JANUARY 2021	CLASSIFICATION: Open
WARD(S) AFFECTED: N/A	
DIRECTOR: Dawn Carter-McDonald, Director of Legal and Governance Services	

1. SUMMARY

- 1.1 This report sets out the progress of the second phase of the Constitution Review and asks Council to approve a number of changes to its Constitution.

2. RECOMMENDATIONS

- 2.1 It is recommended that Full Council:
- i) approve the amendment to the Budget and Policy Framework Rules (appendix 1)
 - ii) approve the amendment to the special urgency provisions (appendix 2)
 - iii) approve an amendment to the deadlines for Council and Cabinet questions to four clear working days before the meeting.

3. BACKGROUND

- 3.1 The Council commenced a phased review of its Constitution in 2019. The primary goal of this was to modernise, improve consistency and create a more publicly accessible document. The first phase of this review was completed in spring 2020, with a number of changes being approved by full Council.
- 3.2 A second phase began in summer 2020. This identified the following priorities from a list of areas for future development:
- 3.2.1 Motions;
 - 3.2.2 Petitions Scheme
 - 3.2.3 Layout of Terms of Reference

- 3.3 As a result of this work, several related changes to the Constitution were approved by Full Council in February 2021
- 3.4 The work for the second phase was undertaken by the Constitution Review Group (CRG), an officer group established to research, develop and present the proposed changes for feedback from Councillors. Deputy Mayor Bramble acted as Lead Member. All Councillors were invited to provide input via several meetings of the Members' Reference Group throughout the process.
- 3.5 On the basis of feedback from the Member Reference Group in February 2021, feedback from Councillor and senior officer surveys and meetings of the CRG, the following areas were identified as a priority to take forward -
 - 3.5.1 Scrutiny - Community Engagement Task and Finish Group;
 - 3.5.2 Amendments to the Budget and Policy Framework to include how opposition group budgets were considered by the Full Council; and
 - 3.5.3 Terms of Reference review - a number of terms of reference were identified as pending further review as a follow on to the work conducted in 2020/21.
- 3.6 The Scrutiny Task and Finish Group scope was drafted and agreed upon by both the Chair of the Scrutiny Panel and Excellence in Governance Group (EiGG) in the summer of 2021. Following a refocus of resources onto budget scrutiny in light of the Council's financial challenges, the Scrutiny team and Chair requested that this work be deferred until after May 2022.
- 3.7 The proposed amendment to the Budget and Policy Framework has been signed off by the s151 Officer / Group Director for Finance and Corporate Resources and the Director of Legal and Governance. The Mayor and Deputy Mayor Bramble have both had an opportunity to review and comment.
- 3.8 The review of Committee terms of reference in 2020/21 identified a need to formalise or update the following terms of reference in 2021/22:
 - 3.8.1 Standards Assessment Sub-Committee and Standards Hearing Sub-Committee - both were approved by the Standards Committee on 11 January 2022;
 - 3.8.2 The Integrated Commissioning Board's terms of reference, which were approved by Cabinet on 13 September 2021; and
 - 3.8.3 Minor amendments to the terms of reference of the Growth Boroughs Partnership Joint Committee and Children and Young People Scrutiny Committee. These amendments were agreed by the Monitoring Officer under delegated powers because the amendments concerned minor changes in committee membership only.

- 3.9 In addition, an amendment to the special urgency provisions as set out in the Council's Access to Information Procedure is proposed. This will serve to clarify the application of these special urgency provisions to non-executive decision-making as well as executive.
- 3.10 The Mayor has requested that the deadline for Public Questions to Cabinet be brought forward to enable members of the public to review the agenda upon publication and submit their question on the Monday prior to a Cabinet meeting. It would be prudent to amend the Full Council deadline as well to ensure consistency. It is therefore proposed that approval is given to make the necessary changes in the Constitution.
- 3.11 The Member Reference Group met in December 2021 to review the proposed amendments and provide feedback.
- 3.12 Council is also asked to consider proposals for a Constitution refresh, with a view to modernising the Council's governance tools and improving accountability and public participation. These proposals are set out separately in an accompanying report.

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 4.1 There are no financial implications as a result of the proposed amendments.

5. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

- 5.1 The Local Government Act 2000 places a legal duty on local authorities to prepare and keep up to date the Constitution. 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.
- 5.2 Changes to the Constitution may be approved only by Full Council save for minor amendments which are consequential upon statutory or regulatory change or to rectify errors or to update arrangements consequential upon other external factors. It is not considered that these proposals fall within the scope of those amendments which may be approved without a resolution of the Full Council. However, there are several references to the deadline for public questions for both Cabinet and Full Council in the Constitution, and the report recommends the Monitoring Officer is given responsibility for approving these minor amendments throughout.

APPENDICES

Appendix 1 - Amendment to the Budget and Policy Framework Rules
Appendix 2- Amendment to the special urgency provisions

BACKGROUND PAPERS (as defined by Local Government (Access to Information) Act 1985)

None.

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