

<b>CONSTITUTION REFRESH</b>	
<b>CONSTITUTION COMMITTEE</b> 13 April 2022	<b>CLASSIFICATION:</b> Open  <b>APPENDICES</b> Appendix 1 Appendix 2 Appendix 3
<b>WARD(S) AFFECTED</b> N/A	
<b>DIRECTOR:</b> Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services	

## **1. SUMMARY**

- 1.1 Following the establishment of the Constitution Committee at Full Council on 26 January 2022, this report seeks to agree the vision for the Constitution refresh set out in the body of this report, seeks approval of the proposal format for the new Constitution and approval of the work programme.

## **2. RECOMMENDATIONS**

### **2.1 That the Committee:**

- (i) Endorse the vision for the Constitution refresh.**
- (ii) Approve the proposed format for the Constitution, subject to any amendments following discussions at the meeting.**
- (iii) Approve the work programme set out at Appendix 3.**

## **3. BACKGROUND**

- 3.1 On 26 January 2022, Full Council established the Constitution Committee with the following principle terms of reference:
- (a) ... review areas in the Constitution to ensure that they are fit for purpose and propose appropriate changes;
  - (b) receive requests to review certain areas of the Constitution;
  - (c) consider changes proposed by Members, Officers and Committees;
  - (d) recommend proposed changes to Council for approval.
- 3.2 The Committee was established under the backdrop of work commencing to conduct a review and refresh of the Council's Constitution more generally. As explained within the report to Full Council, this review would **not** seek to change the balance of decision-making within the Council or how decisions are made generally, rather it would aim to provide greater clarity for the public and Members alike as to how the Council operates and improve upon the information provided to the public / businesses / other organisations generally with regards to the operation of the Council and with particular reference as to how they can become involved with the formal aspects of Council decision-making.
- 3.3 An Officer Working Group has been established to lead on proposals for change under refresh, which will then be considered by the Constitution Committee. The Officer Working Group comprises the following persons:
- Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services
  - Louise Humphreys, Head of Legal and Governance
  - Lucinda Bell, Lawyer
  - Peter Gray, Governance Officer
  - Dianne Murphy, Lawyer
  - Nkencho Okonta, Trainee Solicitor

#### **4. VISION FOR THE CONSTITUTION REFRESH**

- 4.1 The following vision statement is proposed to serve as a framework for the objectives of both the Officer Working Group and the Constitution Committee as it undertakes the review and refresh:

*To produce a clear and succinct Constitution for the London Borough of Hackney which is user-focused and accessible for all; which provides helpful instruction on the manner in which the Council conducts its business; and which ensures excellence in governance across the Council.*

#### **5. INITIAL PROPOSALS**

- 5.1 The Committee's views are sought on a number of initial proposals which will then form the basis of the work which will follow.

##### Overall Form and Presentation of the Constitution

- 5.2 The Officer Working Group has considered how the new Constitution could be presented. A comparison between the existing format of the Constitution and proposals for the new format appears at [Appendix 1](#).
- 5.3 The Committee will note that the opportunity has been taken to increase the number of Parts within the Constitution; the intention behind this is to make the new Constitution easier for all users to navigate whilst not necessarily increasing the total number of pages. The Committee will also note that the Officer Working Group is proposing some new Sections within these revised Parts to provide additional information and improve clarity. The purpose of these new Sections are explained in [Appendix 2](#).
- 5.4 The Committee is invited to consider both the proposed new format and new Sections and provide observations and comment on the proposals.

#### **6. PROPOSED WORK PROGRAMME**

- 5.1 Subject to the Committee's comments on the proposed new format for the Constitution, a proposed work programme at [Appendix 3](#) sets out how the work will be divided and presented to the Committee for comments / approval.

#### **7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES**

- 6.1 There are no financial implications arising from the content of this report.

#### **8. COMMENTS OF THE DIRECTOR OF LEGAL, DEMOCRATIC AND ELECTORAL SERVICES**

- 7.1 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. 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 Previously there was also a requirement that the Constitution had to comply with any direction issued by the Secretary of State which detailed the information that any constitution ought to contain. That requirement has been repealed (in so far as authorities in England are concerned); however, the direction remains a useful checklist for what matters a constitution ought to cover.
- 5.3 In addition, in preparing or keeping up to date the Constitution, the Council must also have regard to any guidance issued by the Secretary of State under section 9Q of the Act. Guidance previously issued by the Secretary of State entitled “Modular constitutions for English local authorities” has now been archived, but it remains extant and will be of relevance to the work of the Committee.

## APPENDICES

Appendix 1 - [Comparison existing and proposed new format of Constitution](#)

Appendix 2 - [Purpose of new sections in the Constitution](#)

Appendix 3 - [Work Programme](#)

## BACKGROUND PAPERS

None.

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