

## Part One - Your Council

### Section A - An Overview of the London Borough of Hackney

#### The London Borough of Hackney

- 1.1 The London Borough of Hackney is in the north east of London and made up of the former metropolitan boroughs of Stoke Newington, Shoreditch and Hackney. Our neighbouring boroughs are; Haringey to the north; the boroughs of Newham and Waltham Forest to the east and north east; the City of London Corporation and the borough of Tower Hamlets to the south and south east; and the borough of Islington to the west.
- 1.2 Hackney is divided into 21 areas, called wards. 15 of the borough's wards elect 3 Councillors each. 6 wards elect 2 Councillors each

#### The Council

- 1.3 The Council is made up of the Elected Mayor and 57 Councillors who are elected every four years. Together they are known as "Full Council". The Elected Mayor is democratically accountable to residents of the borough as a whole. Councillors are democratically accountable to residents of their ward. You can find details of the Elected Mayor and Councillors, along with the parties they represent, on the Council's website [link inserted].
- 1.4 The legal name for the authority is 'The Mayor and Burgesses of the London Borough of Hackney'. We use the phrase 'the Council' to refer to this legal entity.

#### Elected Mayor and Councillors

- 1.5 The Elected Mayor and all Councillors will maintain the highest standards of conduct and ethics, in accordance with the Council's adopted Code of Conduct and the other Codes and Protocols adopted by the Council.
- 1.6 The Elected Mayor and all Councillors will
  - act as a 'corporate parent' to Hackney's looked-after children and care leavers
  - contribute to the good governance of the authority
  - actively encourage community participation and resident involvement in decision making

- effectively represent the interests of communities and, in the case of Councillors, individual residents in their own ward
- respond to residents' enquiries and representations fairly and impartially
- protect and, if possible, enhance the natural environment to the benefit of the borough and its residents and act to mitigate and ensure resilience to climate change in recognition of the Council's declared climate emergency
- provide community leadership and work for the good of the borough with local, regional and national organisations
- be available to represent the Council on other bodies and attend meetings of the bodies to which they are appointed or, if they are unable to attend, present their apologies.

### **The Speaker**

1.7 The Speaker is the first citizen of the borough. They act as an ambassador for the Council locally, regionally and nationally. The Speaker is elected at the Annual Meeting of the Council and leads meetings of the full Council.

### **The Elected Mayor and Cabinet**

1.8 The Elected Mayor is the political leader of the Council. They are responsible for the appointment of the Deputy Mayor. They also appoint Councillors to serve on the Cabinet. The Elected Mayor may also appoint Councillors to serve as Mayoral Advisors and Mayoral Champions.

1.9 The Cabinet proposes priorities to the Council and suggests how resources should be used to fund these. This document is called the budget and policy framework. Once Council has agreed the document, Cabinet must arrange the delivery of the priorities within the budget that was set. If the Cabinet wishes to make a decision outside the budget and policy framework this must be referred to Full Council.

### **Council Committees and Sub-Committees**

1.10 Full Council has a legal duty to perform certain responsibilities (also called functions) and Cabinet cannot perform those responsibilities. You can find out more details of which responsibilities fall to Full Council and which to Cabinet in

Part X of this Constitution. Most of these responsibilities are delegated, or given, to Officers or to Council Committees or Sub-Committees.

- 1.11 The terms of reference of the Council's Committees and Sub-Committees are set out in Part X of this Constitution.

### **Overview and Scrutiny**

- 1.12 Good governance requires effective Scrutiny arrangements. These ensure appropriate checks and balances on the exercise of powers, as well as value for money and best practice.
- 1.13 The Scrutiny Panel and Scrutiny Commissions review and scrutinise all the Council's work. They do the same for work done by other organisations working in partnership with the Council. In particular, they are responsible for ensuring the effectiveness of the Cabinet. They review matters before, during or after any decision has been made. They also review serious issues affecting the work of the Council or its citizens. This usually happens via an inquiry process and may lead to reports and recommendations being made to Cabinet and / or Council. Cabinet or Full Council may also consult Scrutiny Commissions on the development of policy or budget proposals.
- 1.14 The Scrutiny Panel co-ordinates and oversees the scrutiny function of the Council and provides support to the work of the Scrutiny Commissions. The Scrutiny Panel is responsible for considering any call-in of an executive decision that has recently been made by the Cabinet or under delegated authority by an Officer. You can find out more information about call-ins in Part X of this Constitution.

### **Ward Forums**

- 1.15 Ward Forums provide an opportunity for effective engagement between ward Councillors and local citizens. They enable local discussion and locally developed plans to make a difference to their areas.
- 1.16 Ward Councillors run Ward Forums in each ward area, supported by Council Officers. All Ward Forum meetings are held in public at a venue within the ward area.

## **Officers**

- 1.17 An “Officer” is any person who works for or with the council to deliver services. It can include employees, contractors, consultants, agency staff and volunteers. Officers advise and support Members, implement their decisions and manage the day-to-day delivery of services. Most decisions and actions taken by the council are taken by Officers under the Council’s arrangements for delegation of powers.
- 1.18 Some Officers have specific legal duties to ensure that the Council acts within the law and uses its resources wisely. These officers are known as “Statutory Officers” or “Proper Officers” and have specific legal titles in addition to their normal job titles.

## **The Constitution**

- 1.19 The Council is legally required to have a Constitution. This sets out how the Council operates, how decisions are made and the Council’s procedures. The Council follows its procedures so that decisions are taken in an efficient, transparent and accountable way. Some of these procedures are required by law whilst others are a matter of choice for the Council.
- 1.20 The Constitution may be amended by Full Council or the Monitoring Officer from time to time.

## Part One - Your Council

### Section B - Principles of Decision Making

This Section explains how the Council makes decisions.

#### Our Core Objective

- 1.1 Our core objective in decision making is for decisions to be made either at the most appropriate level closest to the local or immediate point of service delivery, or at the level that is closest to those who will be affected by the decision in question.

#### Principles of Decision Making

- 1.2 When making decisions Members and Officers must observe the following principles and controls.
- 1.3 All Members and Officers must familiarise themselves with these controls and principles. They must be satisfied that they comply with them every time they make a decision. They must also be able to demonstrate this.

#### The Correct Decision Maker

- 1.4 Each decision must be made by the most appropriate person or body who has authority to make the decision.
- 1.5 Certain decisions must be made either by Full Council or its committees, whilst others are made by Cabinet. You can find out more information about which body is responsible for making decisions in Part X of this Constitution. Decisions may also be delegated to Officers. More information about delegations can be found in Part X of this Constitution.
- 1.6 Occasionally it may be unclear who has authority to make a decision. When this happens, the Legal Service must provide advice.

#### Avoiding Conflicts of Interest and Bias

- 1.7 Individual decision makers should avoid potential or perceived conflicts of interest. They should also observe the rules that govern interests and pre-determination.

## **Best Interests and Best Value**

- 1.8 Decision makers must act in the best interests of the communities of the London Borough of Hackney. They should take the option that will deliver the best value for money and will result in the most effective and efficient use of resources.

## **Compliance with the Law, Guidance and Codes of Practice**

- 1.9 All decisions must be made in accordance with the law, including ensuring that any procedural steps are followed. In addition, decision makers must have regard to any guidance and codes of practice that may apply. Where the decision maker is affiliated to a professional body that operates a code of conduct and sets professional standards, they must also comply with these.

## **The Budget and Policy Framework**

- 1.10 All decisions must be made in accordance with the Budget and Policy Framework set by Council. This includes Directorate and Service budgets, business plans and any other policies, arrangements, procedures, rules, practices or protocols that are in force. These are set out in Part X of this Constitution.
- 1.11 If any decision maker proposes to make a decision which is, or which the Monitoring Officer or Chief Finance Officer advise is, not in accordance with the Budget and Policy Framework then that decision must (unless any exceptions set out by Council apply) be referred to the Council. More information on the Budget and Policy Framework, including the Finance and Contract Procedure Rules, is set out in Part X of this Constitution.
- 1.12 The Scrutiny Panel also has powers in respect of decisions which have or will be made which they consider to be contrary to the Budget and Policy Framework. These powers include requiring reports in respect of decisions made or to suspend, subject to review, decisions that are yet to be made. More information on the Scrutiny Panel's powers is set out in Part X of this Constitution.

## **Considering Options and Impacts**

- 1.13 Decision makers must identify and evaluate any options that may be available. They need to assess the likely impacts of each option, with particular regard to human rights and the public sector equality duty.

## **Sustainability and Climate Change**

- 1.14 Decision makers must consider the impact of the proposed decision on sustainability and climate change taking into account the Council's declared climate emergency.

## **Consultations**

- 1.15 Decision makers must ensure that any consultations are properly undertaken in accordance with relevant law and guidance.

## **Evidence Based Decisions**

- 1.16 Decision makers must make rational, evidence based decisions, taking into account all relevant considerations. Decision makers must provide proper reasons for their decisions.

## **“Judicial” Decisions**

- 1.17 Decision makers acting in a 'judicial' capacity, for instance when determining appeals, must observe the principles of “natural justice”.
- 1.18 Natural justice requires that a fair, reasonable and transparent decision making procedure is followed. All parties must be afforded a fair opportunity to make representations. Procedures followed should eradicate any bias or conflict of interests (as far as possible) and full reasons for decisions should be given and recorded. Decision makers must ensure that they take all relevant information into account and disregard any information, considerations or circumstances that are not relevant to the matter that has to be decided.

## **Openness and Transparency in Decision Making**

- 1.19 Most meetings where decisions are made will be held in public. Further information on meetings that are held in public and meetings that are not is set out in Part x. Decision makers need to understand and comply with these requirements.
- 1.20 All decision makers need to ensure that the processes they follow are as open and transparent as possible, particularly when decisions are made by individuals or in meetings that are not open to the public. The aims, outcomes,

options and assessed impacts, who was consulted (and when and how they were consulted), what information was taken into account and the reasons for decisions must be clear.

### **Notice of Decisions and Meetings and Record Keeping**

- 1.21 An important part of ensuring openness and transparency in decision making is making sure that appropriate notice is given that decisions are going to be taken, and that appropriate records are kept of decisions taken and the reasons for them.
- 1.22 The nature of any notice or decision record required will depend on the type of decision in question and is, in most cases, a matter of judgement for the decision maker. There are, however, particular requirements for certain types of decisions.

### **Decision Reports**

- 1.23 Formal reports are used to record all decisions taken by Council, Cabinet and Committees.
- 1.24 Every report will list those documents (called background papers) relating to the subject matter of the report which:
- disclose any facts or matters on which the report or an important part of the report is based; and
  - which have been relied on to a material extent in preparing the report
- 1.25 In addition, all reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation.
- 1.26 Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.
- 1.27 Group Directors may initiate reports on any matter where they believe the Council, Cabinet, committee or sub-committee should make a decision or should be informed.
- 1.28 Where such a report affects another Service, the appropriate Group Director must be consulted. The appropriate Cabinet member shall be consulted prior to the publication of a Cabinet report which concerns their portfolio.



1.29 Reports shall communicate all relevant factual information and professional opinions, together with appropriate recommendations.

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## **Part One - Your Council**

### **Section C - Citizens' Rights and Responsibilities**

This Section explains some of the rights and responsibilities of citizens. The word "Citizen" is used in this document to describe everyone who lives or works in the London Borough of Hackney.

#### **Citizen's Rights**

- 1.1 Citizens have a number of rights when receiving services from the Council, for example when making planning or licensing applications or seeking housing benefit. These rights are not covered in this Constitution. Citizens can get advice about these rights from the relevant Council department, the Citizens' Advice Bureau or a solicitor.
- 1.2 Citizens have the right to:-
  - vote at local elections and referenda if they are registered as an elector on the electoral roll;
  - contact their local Councillor about any relevant matters of concern to them;
  - obtain a copy of the Constitution;
  - find out, from the Cabinet's Executive Decisions and Key Decisions Notice ("EMKDN"), what major decisions decided by the Cabinet or by Officers and when;
  - attend meetings of the Cabinet, particularly where key decisions are being discussed or decided, except where, for example, personal or confidential matters are being discussed;
  - attend meetings of the Council, and its committees, except where, for example, personal or confidential matters are being discussed;
  - see reports and background papers and any record of decisions made by the Council and the Cabinet;
  - petition to request a referendum on a change in the Council's governance arrangements;
  - contribute to investigations by the Scrutiny Commissions;
  - complain to the Council about a problem with a Council service;
  - complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should do this only after using the Council's own complaints procedure.
  - complain to the Council's Monitoring Officer if they have evidence which they think shows that an elected member or co-optee has not followed the Council's Code of Conduct;
  - inspect the Council's accounts and make their views known to the external auditor.

- submit petitions or form a deputation;
- participate in Ward Forums; and
- respond to any consultation issued by the Council.

### **Citizen's Responsibilities**

1.3 Being a Citizen also carries with it a number of responsibilities:

- assisting the Council with the compilation of the electoral register;
- exercising their right to vote in local, regional and national elections;
- respecting and valuing the diversity of communities which make up the London Borough of Hackney;
- treating other Citizens with respect;
- meeting their obligations in relation to the Council by paying any rent, Council Tax, National Non-Domestic Rates or other charges which are owed to the Council;
- ensuring that their children attend school.

1.4 Citizens are expected to conduct themselves in an appropriate and respectful manner and must not

- engage in violent, abusive or threatening behaviour or language to anyone, including elected members and officers of the Council;
- use language or make statements that are racist, derogatory or offensive;
- cause damage to Council property or property owned by elected members and officers of the Council.