

Part Two - Articles of the Constitution

Article 1 - The Constitution

Powers of the Council

- 1.1 The Council will exercise all its powers and duties in accordance with the law and this Constitution.

The Constitution

- 1.2 This Constitution, and all its appendices, is the Constitution of the London Borough of Hackney.

Purpose of the Constitution

- 1.3 The purpose of the Constitution is to:
- enable the Council to provide clear leadership to the community in partnership with Citizens, businesses and other organisations;
 - support the active involvement of Citizens in the process of local authority decision-making;
 - help Councillors to represent their constituents effectively;
 - enable decisions to be taken efficiently and appropriately;
 - create a powerful and effective means of holding decision-makers to public account;
 - ensure that no one will review or scrutinise a decision in which they were directly involved;
 - ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
 - provide a means of improving the delivery of services to the community.

Interpretation and review of the Constitution

- 1.4 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option which it thinks is closest to the purposes stated above.
- 1.5 Full Council will monitor and evaluate the operation of the Constitution.

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Article 2 - Citizens

Council responsibilities

2.1 The Council recognises and values the rich cultural diversity of the citizens who work, live or study in the borough and is committed to working in partnership with the communities of Hackney to improve existing services and develop new services to meet their needs. The Council will aim to achieve this by: -

- working in partnership with the following groups:
 - The Community Strategy Partnership
 - Tenants' and Residents' Associations
 - Voluntary sector and community groups
 - Local business organisations and relevant partners
- consulting all sections of the community on matters that affect them. The Council will use a variety of methods to consult with the community
- listening to the views of all sections of the community and developing more effective ways of working with local people, particularly those in hard to reach groups such as young people and global majority ethnic communities;
- respecting the Citizens of the borough, and valuing and promoting the cultural and economic diversity of the borough.

Citizens' rights

2.2 Citizens' rights are set out in Part One, Section C of this Constitution. Further information on the rights of Citizens to obtain information is set out in Part X of this Constitution.

Citizens' participation in Council business

2.3 The Council is committed to supporting Citizens in contributing to the Council's decisions.

2.4 Citizens have the right to:

- ask questions of the Elected Mayor, Cabinet Councillors and Mayoral Advisers at Full Council and Cabinet meetings;
- speak on agenda items at Planning Sub-Committee and Licensing Sub-Committee meetings;
- contribute to the work of the Scrutiny Panel and Commissions;

- form part of a deputation to a Full Council or Cabinet meeting in accordance with the rules set out in Part X of this Constitution;
- participate in Ward Forums when they are a resident of that ward;
- participate in Tenants Residents Associations when acting as open forums when they live in a property covered by a Tenants Resident Association;
- take up one or many roles, such as a co-opted member;
- respond to consultations and participate in a focus group or stakeholder group, or attend a roadshow.
- present petitions in accordance with the Council's Petition Scheme set out at Part X of this Constitution. Citizens on the electoral register may also present a petition to request a referendum to change the Constitution.
- submit an expression of interest on behalf of a voluntary or community body to provide, or to assist in providing, a relevant service on behalf of the Council; and
- nominate, on behalf of a voluntary or community body, land of community value to be included on the Council's list of assets of community value.

Complaints

2.5 The views of Citizens about how the Council is performing are important and valued by the Council.

2.6 Citizens have the right to:

- contact the Elected Mayor and Ward Councillors;
- make a formal complaint using the Council's complaints procedure;
- make a complaint to the Ombudsman after using the Council's own complaints scheme;
- complain to the Monitoring Officer about a breach of the Councillor Code of Conduct.

Citizens responsibilities

2.7 The responsibilities of Citizens are set out in Part One, Section C of this Constitution.

Part Two - Articles of the Constitution

Article 3 - Members of the Council

Composition and eligibility

3.1 **Composition** - The Council comprises the Elected Mayor and 57 Councillors. Councillors will be elected by the voters in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.

3.2 **Eligibility** – To stand for election as Elected Mayor or Councillor you must:

- be at least 18 years old;
- be a British citizen, an eligible Commonwealth Citizen or a citizen of any member state of the European Union;

You must also meet one of the following four qualifications

- you are, and will continue to be, registered as a local government elector for the borough from the day of your nomination onwards;
- you have occupied, as owner or tenant, any land or premises in the borough for the whole of the 12 month period before the day of nomination and the day of election;
- your main or only place of work has been in the borough for the whole of the 12 month period before the day of nomination and the day of election
- you have lived in the borough during the whole of the 12 month period before the day of nomination and the day of election.

A person cannot hold office as both the Elected Mayor and Councillor. If you are in any doubt about whether you are eligible to stand as the Elected Mayor or as a Councillor, you should contact the Council's Electoral Services department for advice.

Election and terms of office of Councillors

3.3 The local election of Councillors will usually be held on the first Thursday in May every four years. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next local election unless they die, are disqualified or resign.

Groups

3.4 The political party, or combination of parties, with the largest number of members shall form the Majority Group.

- 3.5 The political party, or combination of parties, with the largest number of members who are not members of the Majority Group shall form the Principal Opposition Group. In the event of two parties having equal numbers of members following an election, the Principal Opposition Group will be the incumbent Opposition Group. Other political parties will be Minority Opposition Groups.

Rights and responsibilities of Members

- 3.6 The Elected Mayor and all Councillors will:

- act collectively as ultimate policy-makers;
- communicate the Council's work and role to Citizens and promote their understanding of the Council's work;
- represent and become advocates for their communities and, having regard to the rich cultural diversity of the borough, bring their views into the Council's decision-making process;
- contribute to the good governance of the area and actively encourage community participation and Citizen involvement in decision making;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests identified within the ward and borough and represent the ward and borough as a whole; dealing with these interests with integrity and with regard to the Code of Conduct contained in Part X of the Constitution;
- be involved in decision-making;
- be available to represent the Council on other bodies;
- maintain the highest standards of conduct and ethics;
- have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- not make public information which is confidential or exempt without the consent of the Council;
- not divulge information given in confidence to anyone other than a Councillor or Officers entitled to know it;
- be entitled to join a political group of their choice; and
- be called a member of a party group, providing the requirements of section 15 of the Local Government Act 1989 are complied with which requires that a party group must consist of at least two Councillors.

Rights and responsibilities specific to non-executive Members

- 3.7 In addition to the other rights and responsibilities set out above, non-executive Members have the right to:

- act as a check and balance on the powers and actions of the Elected Mayor and Cabinet through serving as a member of the Scrutiny Panel and Scrutiny Commissions, providing that any rules on political balance which apply to that Panel or Commission are maintained;
- call-in any decision of the Cabinet which is capable of being called in as set out in Part X of the Constitution;
- call an extraordinary Full Council meeting as set out in Part X of the Constitution;
- serve as a member of any non-executive Committee, providing that any rules on political balance which apply to that Committee are maintained;
- ask a question on a report to the Cabinet or introduce a deputation
- receive agendas, minutes and reports of meetings of the Cabinet as set out in Part X of the Constitution.

Election of the Mayor

3.8 The ordinary election of the Elected Mayor will be at the time of the local Council elections. The term of office of the Elected Mayor will be 4 years. They will take office on the fourth day after their election and will continue in office until the fourth day after their successor is elected, unless they die, are disqualified or resign.

Role of the Elected Mayor

3.9 The Elected Mayor shall, in addition to the rights and responsibilities for all Councillors contained in Article X above, carry out the roles and functions contained in Article X.

Conduct

3.10 Councillors and the Elected Mayor must comply with the requirements of the Councillor Code of Conduct and observe the Protocol for Member/Officer Relations as set out in Part X of this Constitution.

3.11 Members of the Licensing Committee and Planning Sub-Committee must also comply with the requirements of the Licensing and Planning Codes of Practice respectively.

Allowances

3.12 Councillors and the Elected Mayor are entitled to receive allowances in accordance with the Members Allowances Scheme set out in Part X of this Constitution.

Part Two - Articles of the Constitution

Article 4 - Full Council

Role of Full Council

- 4.1 Full Council comprises the Elected Mayor and the 57 Councillors who represent the areas of the London Borough of Hackney, called wards.
- 4.2 Full Council determines the Council's policy framework and budget, and agrees the strategic direction for the Council which is then implemented by Cabinet and monitored by Overview and Scrutiny. Further explanation of the term budget policy and framework is set out in Part X of this Constitution.
- 4.3 The Full Council meeting is the assembly, where Councillors speak up for and on behalf of their constituents. It is an opportunity for deliberation and political debate on issues of concern on which the Council should express a view, and also an opportunity for Councillors from all political parties to come together as the elected voice of the borough.
- 4.4 Full Council meetings provide the opportunity for Citizens to engage and hold the Elected Mayor and Councillors to account by asking questions and making deputations as set out in Part X of this Constitution.
- 4.5 The frequency of the meetings of Full Council is determined at the Annual Meeting.

Functions of Full Council

- 4.6 The following functions will be exercised by Full Council only: -
 - adopting and changing the Constitution in accordance with Article X;
 - approving or adopting the policy framework, the annual Council Tax requirements, the Council's budget and any application to the Secretary of State for Levelling Up, Housing and Communities in respect of any housing land transfer;
 - making decisions about any matter relating to the discharge of an executive function covered by the policy framework or budget, where the Cabinet is minded to make a decision in a manner which would be contrary to the policy framework or contrary or not wholly in accordance with the budget;
 - establishing Committees, Panels, Boards and Commissions (other than Cabinet Committees), agreeing their terms of reference, making appointments to them subject to the legal rules regarding proportionality between the different political parties and appointing the Chair and Vice-Chair;

- appointing representatives to outside bodies, unless the appointment is a decision of the Executive, or, has been delegated by Full Council;
- adopting or revising the Members' Allowances Scheme;
- changing the name of the area or any part of the area;
- conferring the title of Honorary Freeman or granting the Freedom of the Borough;
- considering petitions which are referred to Full Council under the Petition Scheme;
- confirming the appointment, dismissal, redundancy or early retirement of the Head of Paid Service;
- confirming appointments to the roles of Chief Finance Officer and Monitoring Officer;
- determining the level of disciplinary action or dismissal of specified statutory senior officers;
- adopting a Code of Conduct for members;
- appointing the Independent Person;
- approving the annual Pay Policy Statement which includes details of the pay of Chief Officers; the pay of the Council's lowest paid employees, and the relationship between the pay of Chief Officers and the pay of its employees who are not Chief Officers;
- making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the makings of local legislation or personal bills;
- all local choice functions as set out in Part 3 of this Constitution which Full Council has decided should be undertaken by itself rather than by Cabinet, a Committee, a Sub-Committee or an officer; and
- all other matters which by law must be reserved to Full Council.

Policy framework

4.7 The policy framework documents, plans and strategies shall consist of the following:

a) **Mandatory (as required by law)**

Local Transport Plan under section 108(3) Transport Act 2000

Local Development Framework and Local Area Action Plans under section 15 Planning and Compulsory Purchase Act 2004

Licensing Authority Policy Statement under section 5 Licensing Act 2003

Gambling Policy Statement under section 349 Gambling Act 2005

Crime & Disorder Reduction Strategy under sections 5 and 6 Crime and Disorder Act 1998

Youth Justice Plan under section 40 Crime and Disorder Act 1998

b) **Discretionary (as recommended by the Secretary of State)**

Corporate Plan

c) **Discretionary (as decided by Full Council)**

Housing Strategy

Equalities Statement.

4.8 The policy framework plans and strategies will vary, from time to time in response to legislation. Any change to the framework which is necessary because of a change in legislation will be incorporated into this Constitution by the Monitoring Officer without the need for the agreement of Full Council.

Budget

4.9 The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

Housing Land Transfer

4.10 A Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for Levelling Up, Housing and Communities for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform Housing and Urban Development Act 1993 (as amended) or the disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Full Council meetings

4.11 There are three types of Full Council meetings:

- i) The Annual General Meeting
- ii) Ordinary meetings
- iii) Extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules as set out in Part X of this Constitution.

Responsibility for functions

- 4.12 The Monitoring Officer will maintain the tables in Part X of this Constitution setting out the responsibilities for the Council's functions. Any change to the functions arising from a change in legislation will be incorporated into this Constitution by the Monitoring Officer without the need for the agreement of Full Council.

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Part Two - Articles of the Constitution

Article 5 - The Executive (known as the Elected Mayor and Cabinet)

- 5.1 In accordance with the Local Government Acts, and following a local referendum, the Council operates under an Elected Mayor and Cabinet.
- 5.2 The Elected Mayor and Cabinet shall carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. This is explained further in paragraphs 5.4 and 5.5 below. The Elected Mayor and Cabinet shall also be responsible for exercising the general power of competence conferred by the Localism Act 2011.

Form and composition

- 5.3 The Cabinet will consist of the Elected Mayor together with at least 2, but not more than 9, Councillors appointed to the Cabinet by the Elected Mayor. One of the appointed Councillors will be Deputy Mayor as defined by legislation, known as the Statutory Deputy Mayor. The Elected Mayor will advise the Annual Meeting who they have nominated to the Cabinet and who has been appointed to be the Statutory Deputy Mayor.

Role and functions of the Elected Mayor

- 5.4 The Elected Mayor is entitled to carry out all of the Council's executive functions and retains this entitlement whether they choose to delegate any or all of these functions. The Elected Mayor may choose to delegate functions to be carried out by the Cabinet collectively, or by a member of the Cabinet, or by a committee of the Cabinet, or by an Officer of the Council.
- 5.5 The precise nature of the Elected Mayor's role and functions will depend on the choice of the office holder and their policies but will include the following:
- to give overall political direction to the Council and, in drawing up policies for the Council, seek to balance the interests of the diverse community;
 - to set priorities that contribute to the life and development of the borough;
 - to appoint the Cabinet and the Statutory Deputy Mayor;
 - to determine a scheme of delegation for executive functions;
 - to chair meetings of the Cabinet;
 - to represent the Council on such external bodies as they decide;
 - to represent the interests of Hackney to the government and other partners and stakeholders;

- to promote and improve the economic, social and environmental well-being of Hackney and its inhabitants;
- to have regard to sustainable development principles in the policies that they and the Council promote;
- to lead and speak for Hackney as the principal public spokesperson and act as a champion for the whole borough;
- to promote the rich cultural diversity of Hackney as one of the key strengths of the borough;
- to ensure the Council is an effective partner to other agencies in the development of Hackney;
- to be accessible to Citizens when carrying out their duties;
- to act with the highest degree of integrity in accordance with the Councillor Code of Conduct;
- to take action in emergencies in consultation with the Chief Executive.

The Elected Mayor as a member of Full Council

5.6 The Elected Mayor will be treated as a member of Full Council unless the law or context requires otherwise. In particular the Elected Mayor:

- is subject to the same rules about qualification and disqualification as any Councillor;
- must follow the rules about disclosure of interests and comply with the #Councillor Code of Conduct set out in Part X of this Constitution;
- may be a member of, attend and speak at any meeting of Full Council, its committees and sub-committees, except the Standards Committee and the Scrutiny Panel and Commissions. The Elected Mayor may, however, be invited to address the Standards Committee and the Scrutiny Panel and Commissions;
- is subject to the Members' Allowances Scheme set out in Part X of the Constitution; and
- is subject to the same rules about casual vacancy as apply to all Councillors.

The title of Mayor may only be used by the Elected Mayor.

Inability of the Elected Mayor to act

5.7 If for any reason the Elected Mayor is unable to act, or the office of the Elected Mayor is vacant, the Statutory Deputy Mayor will act in their place until either the Elected Mayor is able to act or an election has been held.

5.8 If both the Elected Mayor and Statutory Deputy Mayor are unable to act or their offices are vacant at the same time, then Cabinet must act in the Elected Mayor's place, or arrange for a Councillor of the Cabinet to do so.

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Article 5 - The Executive (known as the Elected Mayor and Cabinet)

- 5.9 Where the Elected Mayor and Statutory Deputy Mayor are unable to act because of suspension from office or because they are unfit to act on health grounds, then an interim Elected Mayor may be appointed by Full Council and the provisions of Regulation 47 Local Authorities (Cabinet and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 will apply.

The Cabinet

- 5.10 **Composition** – Only Councillors may be appointed to the Cabinet by the Elected Mayor. Cabinet Councillors cannot have deputies or substitutes. Neither the Speaker nor Deputy Speaker of the Council may be appointed to the Cabinet. Councillors of the Cabinet may not be members of the Scrutiny Panel or a Scrutiny Commission.
- 5.11 **Term of office** – Councillors of the Cabinet will hold office until their appointment is terminated by the Elected Mayor, they resign from the Cabinet or they are no longer a Councillor.
- 5.12 **Appointment by the Elected Mayor** – Subject to Article 5.3, the size and composition of the Cabinet will be solely a matter for the Elected Mayor to decide. They may choose to appoint Councillors from any political group or those not in a political group. The Cabinet need not reflect the political balance of the Council as a whole. The Elected Mayor will report their appointments to Full Council at the Annual Meeting.
- 5.13 **Removal from office** – the Elected Mayor will notify the Monitoring Officer and the next Full Council meeting of any changes to the Councillors appointed to the Cabinet.
- 5.14 **Inability of the whole Cabinet to act** – If all the Councillors of the Cabinet are unable to act for any reason, then Full Council will appoint an Interim Cabinet to discharge the relevant executive functions.

Cabinet Committees

- 5.15 **Cabinet Procurement and Insourcing Committee (CPIC)** – The Committee has been authorised by Cabinet to give detailed consideration on all issues relating to procurement practice and policy and to award all high-risk contracts.
- 5.16 **Corporate Parenting Board (CPB)** – The Board is an advisory committee of Cabinet and oversees the implementation of the Corporate Parenting Strategy and Action Plan and monitors the quality and effectiveness of services to

ensure they fulfil the Council's responsibilities and achieve good outcomes for children in care.

- 5.17 **Hackney Integrated Commissioning Board** – The Committee has been authorised by Cabinet to make decisions and manage pooled funds with the Integrated Commissioning Board in accordance with the Boards's terms of reference and schemes of delegation.

Detailed terms of reference for these committees and boards are set out in Part X of this Constitution.

Proceedings of Cabinet

- 5.18 Proceedings of Cabinet meetings shall take place in accordance with the Cabinet Procedure Rules set out in Part X of this Constitution.

Responsibility for functions

- 5.19 The Elected Mayor will advise the Annual Meeting of their scheme of delegation. The scheme of delegation will set out which individual Councillors of the Cabinet, Committees, Officers or joint arrangements are responsible for the exercise of particular Cabinet functions. The Elected Mayor will notify the Monitoring Officer of any changes to the scheme within 48 hours of changes being coming into effect.

Deputy Mayor

- 5.20 **Appointment** - At the first Annual Meeting of Full Council after an election, the Elected Mayor will appoint one of the Councillors of the Cabinet to act as the Statutory Deputy Mayor.
- 5.21 **Term of office** – The Statutory Deputy Mayor will hold office until the end of the Elected Mayor's term of office, unless they resign from the Cabinet or the office of Councillor, they resign as Statutory Deputy Mayor, or are removed by the Elected Mayor from the office of Statutory Deputy Mayor.
- 5.22 **Duties of the Deputy Mayor** – The Deputy Mayor, as referred to in paragraph 5.3 above, will deputise for the Elected Mayor or act in their absence and in this capacity will exercise all of the powers of the Elected Mayor. The Deputy Mayor will also serve on any bodies and undertake any tasks, or hold any positions or responsibility assigned to them by the Elected Mayor.
- 5.23 **Removal from office** – The Elected Mayor will notify the Monitoring Officer and the next Full Council meeting if they have appointed a new Deputy Mayor.

Mayoral Advisors

- 5.24 The Elected Mayor may appoint any number of Mayoral Advisors who may attend and contribute to meetings of the Executive. Mayoral Advisors will be given a brief by the Elected Mayor to support the duties of the Elected Mayor, and will be entitled to receive an allowance in accordance with the Members' Allowance Scheme set out in Part X of this Constitution.
- 5.25 Mayoral Advisors shall have no voting rights at Cabinet Meetings.
- 5.26 The Monitoring Officer will maintain a list of Mayoral Advisors as notified by the Elected Mayor from time to time.

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Part Two - Articles of the Constitution
Article 6 - The Speaker & Deputy Speaker

- 6.1 The Speaker and Deputy Speaker are elected at the Annual Council meeting and act as the Council's civic ambassadors. The Speaker is the London Borough of Hackney's 'First Citizen'.
- 6.2 The Speaker, and in their absence, the Deputy Speaker, has the following responsibilities:
- i) together with the Elected Mayor, to promote the Council as a whole and act as a focal point for the community;
 - ii) to promote public involvement in the Council's activities;
 - iii) to attend such civic and ceremonial functions as the Council and Elected Mayor determine appropriate;
 - iv) to be the guardian of the democratic process of the Council and the rights laid out in the Constitution;
 - v) to uphold and promote the purposes of the Constitution and to interpret the Constitution on the advice of the Monitoring Officer, when necessary;
 - vi) to preside over meetings of the Full Council so that its business can be carried out efficiently, and having appropriate regard to the rights of elected members and the interests of the community;
 - vii) to ensure that Full Council meetings are a forum for a debate of matters of concern to the local community, and at which Councillors who are not Councillors of the Cabinet are able to hold the Cabinet to account;
 - viii) to be the Councillor with primary responsibility for twinning with other places which reflect the diversity of the borough. To take the lead, to support and participate in any twinning events or functions with other boroughs, organisations or individuals and promote new twinning arrangements.
- 6.3 Chains of Office will only be worn by the Speaker and Deputy Speaker when carrying out civic and ceremonial duties. No other elected member will wear Chains of Office.

Part Two - Articles of the Constitution

Article 7 - Overview and Scrutiny

The Scrutiny Panel and Scrutiny Commissions carry out the Council's overview and scrutiny function and are set up to hold the Elected Mayor and Cabinet to account. The role of scrutiny is non-adversarial and non-partisan. The Scrutiny Panel and Commissions act as a critical friend and provide challenge to decision makers at the Council as well as external agencies.

7.1 The Council must appoint at least one Overview and Scrutiny body to:

- i) hold the Elected Mayor and Cabinet to account by examining executive decisions that are about to be made, decision which have been made but not yet implemented (known as the call-in process); and decision which have been implemented (post-hoc review);
- ii) review policy framework documents and policies more generally and make suggestions for improving them;
- iii) contribute to continuous improvement of service delivery by considering performance, participation by Citizens in the functions delivered by the service, value for money reviews and budget investigations;
- iv) review and make recommendations on the discharge of regulatory functions;
- v) consider and make recommendations to Full Council and external partner stakeholder organisations on matters which have a direct bearing on the economic, social or environmental well-being of Citizens;
- vi) in the case of the Health in Hackney Scrutiny Commission, to review and scrutinise matters relating to the health service in the Council's area and to prepare reports and make recommendations in accordance with any Regulations and Directions made under the Health and Social Act 2001. The Health in Hackney Scrutiny Commission may, from time to time, decide to appoint a Joint Health Scrutiny Committee involving one or more other local authorities;
- vii) in the case of the Living in Hackney Scrutiny Commission, to review and scrutinise decisions made, or actions taken, by the Council or any responsible authority relating to crime and disorder. To prepare reports or make recommendations to Full Council and to provide copies to the responsible authorities and any co-operating persons and bodies in accordance with the Police and Justice Act 2006;
- viii) request information from relevant external partner authorities, invite interested parties to comment as appropriate and make recommendations.

- ix) consider any referral by a Councillor under the Councillor Call for Action, and if considered appropriate to scrutinise decisions and/or actions taken in relation to a matter;
- x) consider matters referred to in accordance with the Council's Petition Scheme as set out in Part X of this Constitution.

7.2 The Scrutiny Panel and Commissions may make recommendations arising from such work to the Cabinet, Full Council and external partner / stakeholder organisations.

Attendance by Elected Mayor, Cabinet Councillors and other persons

7.3 The Scrutiny Panel and Commissions may require the Elected Mayor, Cabinet Councillors or Chief Officers to attend meetings of the Panel or Commissions to answer questions and may invite other persons to attend meetings of the Commissions.

7.4 The Elected Mayor, Cabinet Councillors or Chief Officers shall comply with any requirement to attend a meeting.

7.5 A Councillor must not be involved in scrutinising a decision in which they were directly involved.

7.6 A person is not obliged to answer any question. In addition a person is entitled to refuse to answer any question where the topic under discussion is the subject of legal proceedings.

Role and Function of the Scrutiny Panel

7.7 The Council shall appoint a Scrutiny Panel to coordinate and oversee the work of the Scrutiny Commissions.

7.8 The Scrutiny Panel will be responsible for establishing task-finish scrutiny panels and for considering a request made by any 5 non-executive Members for the call-in of a cabinet decision or a decision of the Joint committee of the Six Growth Boroughs. The Scrutiny Panel's terms of reference are set out in Part X of the Constitution.

7.9 The Scrutiny Panel shall comprise 9 Members, who cannot be Members of the Cabinet. It shall include the Chairs and Vice-Chairs of the Scrutiny Commissions.

7.10 The Scrutiny Panel's Chair shall be a member of the Majority Group. 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.

7.11 The Scrutiny Panel may invite the Elected Mayor and the Deputy Mayor to attend meetings of the Panel to assist in considering the scrutiny work programme, and how the Elected Mayor and Deputy Mayor can participate in the Panel’s work programme. The Scrutiny Panel may also invite the Chairs of the Audit and Corporate Committees to assist in discharging the functions of the Panel.

Role and function of the Scrutiny Commissions

7.12 Full Council will appoint the following Scrutiny Commissions:

Commission	Scope
Living in Hackney Scrutiny Commission	Quality of life in local communities covering neighbourhoods, place, wellbeing and amenities.
Skills, Economy and Growth Scrutiny Commission	Prosperity of the borough and development, in particular economic development, employment and large-scale schemes.
Health in Hackney Scrutiny Commission	Health Services, Adult Social Services, Older People
Children and Young People’s Scrutiny Commission	Children and Young People

7.13 The Children and Young People Scrutiny Commission shall include in its membership the following voting representatives: -

- one London Diocesan board for Schools (Church of England) representative;
- one Roman Catholic Westminster Diocesan Schools Commission representative;
- two parent governor representatives: and the following non-voting representatives;
- one Orthodox Jewish community representative;
- one representative from the North London Muslim Community Centre;
- one representative from the Free Churches Group;
- one representative from the Hackney Schools Governors’ Association;
- and
- up to five representatives from the Hackney Youth Parliament.

7.14 Within their terms of reference, the Scrutiny Commissions may:

- i) develop a rolling programme of scrutiny and review which shall be reviewed on a quarterly basis;
- ii) Have oversight of the Community Strategy for the purpose of contributing to policy development;
- iii) review and / or scrutinise decisions or actions relating to the discharge of the Council's functions within its terms of reference, which may include reviewing decisions before they have been taken (policy development) or after they have been implemented (post-hoc review);
- iv) consider a request made by any 5 non-executive Members for the call-in of a Cabinet decision where the request is referred to the Commission;
- v) make reports and / or recommendations to the Cabinet for possible forwarding to Full Council and/or the Cabinet, and/or Corporate Committee and/or any Ward Forum with the discharge of any Council functions; and
- vi) exercise responsibility for any resources made available to them.

Specific functions of Scrutiny Commissions

7.15 The specific functions of the are: -

Policy Development and Review

- to assist Full Council and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues;
- to conduct research and consult with the community on policy issues and options available to the Council;
- to liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- to consult or question Councillors of the Cabinet and Chief Officers about their views on issues and proposals affecting the area.

Scrutiny

- to review and scrutinise executive decisions made by the Elected Mayor, the Cabinet, by an individual Councillor of the Cabinet, by a Committee of the Cabinet, or by an Officer of the Council;
- to review and scrutinise the work of the Council in relation to its policy objectives, performance targets and / or particular service areas;
- to question Councillors of the Cabinet and Chief Officers about their decisions and the performance of the services for which they are responsible, whether generally in comparison with service plans and

- targets over a period of time or in relation to particular decisions initiatives or projects;
- for the Health in Hackney Scrutiny Commission, to carry out health Scrutiny in accordance with Section 244 Regulations under that section of the National Health Services Act 2006 (as amended by the Local Government and Public Involvement in Health Act 2007 and the Health and Social Care Act 2012 relating to reviewing and scrutinising local health service matters). Where the proposal relates to more than one local authority area, it must be considered by a Joint Health Scrutiny Committee appointed by each of the local authorities in question;
 - for the Living in Hackney Scrutiny Commission, to discharge the functions conferred under the Police and Justice Act 2006;
 - to make recommendations to Cabinet arising from the outcome of the scrutiny process for possible forwarding to Full Council;
 - to review and scrutinise the performance of other public bodies in the area, invite them to address the Scrutiny Commission, and prepare reports about their initiatives and performance;
 - to gather evidence from any person or organisation outside the Council;
 - to consider referrals from Ward Forums and Enhanced Tenants Residents Associations and initiate reviews of issues as deemed appropriate.

Community Representation

- to promote closer links between Overview and Scrutiny Members and Citizens;
- to encourage an enhanced community representation role for Overview and Scrutiny Members including enhanced methods of consultation with local people;
- to liaise with the Council's Ward Forums and Enhanced Tenants Residents' Associations on matters that affect or are likely to affect the local area;
- to keep the Council's area-based governance arrangements under review and to make recommendations to the Scrutiny Panel, to the Cabinet and / or Full Council as to how participation in the democratic process by local people can be enhanced;
- to receive petitions, deputations and representations from local people and other stakeholders about matters of concern within the Scrutiny Commission's remit. Where considered appropriate, to refer them to the Cabinet, an appropriate Committee or Officer for action, with a recommendation for a report back if requested.

Developing the Work Programme

7.16 In developing their work programmes, the Scrutiny Commissions shall take into account the following:

- recommendations received from the Scrutiny Panel;
- cross-cutting items proposed by the Scrutiny Panel;
- petitions received from the public;
- the contents of the Executive Meetings and Key Decisions Notice (EMKDN);
- issues emerging from the ward / representational role of any Councillor;
- issues relating to Councillor Call for Action;
- referrals from Healthwatch Hackney relating to health and social care matters;
- referrals from any elected member on any matter within the remit of the Scrutiny Commission;
- referrals from any Councillor on a local crime and disorder matter;
- referrals from Full Council, the Cabinet or another Committee;
- issues which, whilst not the direct responsibility of the Council, have a direct bearing on the economic, social or environmental well-being of the borough's Citizens;
- issues relating to any Joint Overview and Scrutiny Committees.

Proceedings of Overview and Scrutiny

7.17 The Scrutiny Panel and Commissions will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part X of this Constitution.

Part Two - Articles of the Constitution
Article 8 - The Standards Committee and Independent Person

Role of the Standards Committee

- 8.1 Full Council has established a Standards Committee which works to promote high standards of conduct of the elected and co-opted members within the Council. The proceedings of the Standards Committee are governed by the Council Procedure Rules set out in Part X of this Constitution.
- 8.2 The Committee shall comprise:
- i) the Cabinet Councillor who holds the ethical governance portfolio;
 - ii) eight non-executive Members; and
 - iii) up to six non-voting co-opted Members.
- 8.3 Full Council may not appoint a person as a non-voting co-opted member of the Standards Committee unless the appointment has been advertised in the local area and the appointee:
- i) has submitted an application to the Council;
 - ii) has been interviewed by the Monitoring Officer, or an Officer appointed by them;
 - iii) has not been a Councillor or Officer of the Council in the five years immediately preceding the appointment;
 - iv) is not a close relative or close friend of a Councillor or Officer of the Council;
 - v) has the ability to consider and evaluate information and arguments and reach sound, justifiable and fair conclusions based on that information;
 - vi) is independent of party politics; and
 - vii) is not currently a Councillor or Officer of another local authority.
- 8.4 Co-opted members are not entitled to vote at meetings of the Committee or its Sub-Committees.
- 8.5 The Standards Committee will operate within the terms of reference, as detailed in Part X of the Constitution.

Proceedings of the Standards Committee

8.6 Proceedings of the Standards Committee relating to complaints against Councillors shall take place in accordance with the requirements of the law.

Sub-Committees

8.7 The Committee may appoint Sub-Committees to determine complaints against the Elected Mayor and Councillors and/or to discharge any of its other functions.

Independent Person

8.8 Full Council will appoint an Independent Person in accordance with section 28 of the Localism Act 2011.

Role of the Independent Person

8.9 The Council's Monitoring Officer must seek and take into account the views of the Independent Person before making a decision whether to investigate a complaint about the conduct of an elected member or co-opted member.

8.10 The Monitoring Officer may consult the Independent Person on other matters not referred to in paragraph 8.9.

8.11 An elected member or co-opted member who is the subject of a complaint may consult the Independent Person.

8.12 The Independent Person, as part of an Independent Panel, has a role in providing Full Council with advice, views and recommendations on the proposed disciplinary action or dismissal of specified statutory senior officers in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Appointment of the Independent Person

8.13 Full Council may not appoint an Independent Person unless the appointment has been advertised in the local area and the appointee:

- i) has submitted an application to the Council;
- ii) has been interviewed by the Monitoring Officer, or an Officer appointed by them;
- iii) has not been a Councillor or Officer of the Council in the five years immediately preceding the appointment;

- iv) is not a close relative or close friend of a Councillor or Officer of the Council;
- v) has the ability to consider and evaluate information and arguments and reach sound, justifiable and fair conclusions based on that information;
- vi) is independent of party politics; and
- vii) is not currently a Councillor or Officer of another local authority.

8.14 The appointment of the Independent Person must be approved by a majority of Councillors at Full Council.

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Part Two - Articles of the Constitution

Article 9 - Council Committees and Other Bodies

The following Committees / Boards help Full Council perform its functions. You can find their full terms of reference in Part X of this Constitution.

Appointments Committee

9.1 The Appointments Committee establishes Sub-Committees to appoint, discipline, dismiss and hear appeals from certain officers employed by the Council in line with the Officer Employment Procedure Rules. These are set out in Part X of this Constitution.

Audit Committee

9.2 The Audit Committee's responsibilities relate to the Council's risk management framework, internal financial and governance control and the integrity of financial reporting. The Audit Committee oversees internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Constitution Committee

9.3 The Constitution Committee is responsible for oversight of the Council's Constitution and may review and recommend amendments to the Constitution to ensure that it remains fit for purpose.

Corporate Committee

9.4 The Corporate Committee oversees the Council's regulatory functions, planning, elections and human resources. The Committee is also responsible for any other Council function that has not been specifically allocated to Full Council or any other committee.

9.5 The Corporate Committee establishes a Planning Sub-Committee for the purposes of determining planning applications in accordance with that Sub-Committee's terms of reference.

Health and Wellbeing Board

9.6 The Health and Wellbeing Board provides is a multi-agency partnership board under which the local authority, the Integrated Commissioning Board and other partners improve the commissioning of health and social care services and work towards improving the health of the local population. It has responsibility for the duties set out in the Health and Social Care Act 2012.

Licensing Committee

9.7 The Licensing Committee is responsible for licensing functions under the Licensing Act 2003 and the Gambling Act 2005 and other statutory licensing functions. The Committee is responsible for developing and monitoring the Council's licensing function, which includes making recommendations on the Council's licensing and gambling policies. It establishes Licensing Sub-Committees which are responsible for considering and deciding licensing applications.

Pensions Committee

9.8 The Pensions Committee acts as trustee of the Council's pension fund, in line with legislation. The Committee is responsible for monitoring performance of the fund, setting and reviewing strategic objectives and appointing administrators, advisers, investment managers and custodians.

Scrutiny Panel and Scrutiny Commissions

9.9 The Scrutiny Panel and Scrutiny Commissions help hold the Cabinet to account, assist with developing Council policies and scrutinise budgetary proposals.

Standards Committee

9.10 The Standards Committee is responsible for promoting and maintaining high ethical standards at the Council.

9.11 The Standards Committee has established two Sub-Committees, the Standards Assessment Sub-Committee and the Standards Hearing Sub-Committee which may be called upon to consider allegations of a breach of the Councillor Code of Conduct.

Pensions Board

9.12 The local Pensions Board is an advisory Board of the Council. It is responsible for ensuring compliance with local government pension scheme regulations and ensuring the effective and efficient governance and administration of the London Borough of Hackney Pension Fund.

Terms of reference

9.13 All Council Committees and Sub-Committees must operate in line with their terms of reference. You can find these in Part X of this Constitution.

Proceedings

- 9.14 Proceedings of the Committees and Sub-Committees must comply with the Council Procedure Rules set out in Part X of this Constitution.

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Part Two - Articles of the Constitution

Article 10 - Ward Forums

Role and Function

- 10.1 The Council has 21 Wards. The Councillors in these Wards form bodies known as Ward Forums.
- 10.2 Ward Forums represent and promote the needs of the ward within the Council.
- 10.3 Ward Forums meet up to three times a year at venues within the ward and will look at issues which concern Citizens.
- 10.4 Ward Councillors lead Ward Forum meetings and they are supported by officers. Ward Councillors determine whether there will be specific roles for Citizens in managing the business of the Ward Forum.
- 10.5 Councillors can opt to hold joint Ward Forum meetings on a regular or case-by-case basis.

Delegation to Forums

- 10.6 Ward Forums have no delegated authority from the Cabinet or Full Council. They are not decision-making bodies.

Chair

- 10.7 Each Ward Forum is chaired by a Councillor, who is elected by the Councillors present.

Meetings

- 10.8 Each Ward Forum meets in public and each meeting is advertised in advance. The principal objectives of the meetings are to hear the views of Citizens to help improve the local area, and to agree actions that can be taken to address issues that arise. Councillors set the agenda of the Ward Forum in advance of the meeting.

Access to information

- 10.9 Ward Forums are not subject to the Access to Information Rules as set out in Part X of this Constitution.

Part Two - Articles of the Constitution

Article 11 - Joint Arrangements

Arrangements to promote well-being

- 11.1 The Council or the Cabinet may, in order to promote the economic, social or environmental well-being of its area:
- i) make arrangements or agreements with any person or body;
 - ii) co-operate with, facilitate or co-ordinate the activities of any person or body; and
 - iii) exercise on behalf of that person or body any of its functions.

Joint arrangements

- 11.2 The Council may establish joint arrangements with one or more local authorities and may authorise them to undertake Council functions or advise the Council in line with these arrangements. The arrangements may involve the appointing a joint committee with these other local authorities.
- 11.3 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. These arrangements may involve the appointing a joint committee with these other authorities. Cabinet may only appoint Cabinet councillors to the joint committee and appointments do not need to reflect the political composition of the Council as a whole.
- 11.4 When the Council is planning changes to the way they deliver health services which could be substantial and / or which extend beyond the borough, the Council may need to form a Joint Health Scrutiny Committee with other boroughs. It will then be able to consult with local providers and commissioners of health and social care services. This Committee would review and scrutinise issues relating to the health service and make reports and recommendations about them. The process by which this is established shall be agreed by the Health in Hackney Scrutiny Commission.
- 11.5 If there is an urgent need to establish a Joint Health Scrutiny Committee with other local authorities, the Monitoring Officer can make arrangements for establishing Joint Health Scrutiny Committee after consulting with the Chair and Vice-Chair of the Health in Hackney Scrutiny Commission.
- 11.6 Authorities responsible for crime and disorder strategies may require Full Council to appoint a Joint Crime and Disorder Committee and to arrange for crime and disorder scrutiny functions in relation to any (or all) of those Councils to be excisable by that Committee.

Delegation to and from other local authorities

- 11.7 Full Council may delegate non-executive functions to another local authority or, in cases where that function is carried out by the executive of another local authority, to the executive of that authority.
- 11.8 Cabinet may delegate executive functions to another local authority or, in cases where that function is carried out by the executive of another local authority, to the executive of that authority.
- 11.9 The decision whether or not to accept a delegation from another local authority is reserved to Full Council.

Delegation to and from other organisations

- 11.10 Full Council may delegate non-executive functions to other organisations or boards where legislation allows.
- 11.11 Cabinet may delegate executive functions to other organisations or boards where legislation allows.
- 11.12 The decision whether or not to accept such a delegation from another organisation or board is reserved to Full Council.

Part Two - Articles of the Constitution

Article 12 - Officers

Management structure

- 12.1 The Council can employ the staff it considers necessary to carry out its functions. Council staff are called “officers”.
- 12.2 Chief Officers – The Council must employ a person to fill each of the following posts. These officers are called Chief Officers.
- i) Head of Paid Service;
 - ii) Monitoring Officer;
 - iii) Chief Finance Officer (also known as the s151 Officer);
 - iv) Director of Children’s Services;
 - v) Director of Adult Social Services; and
 - vi) Director of Public Health.
- 12.3 The Head of Paid Service / Chief Executive may decide to appoint other Chief Officers. The Chief Executive has the authority to vary the portfolios, functions and areas of responsibility of all Chief Officers.
- 12.4 Structure – The Chief Executive determines and publicises a description of the overall structure of the Council by department, showing the management structure and deployment of officers.

Responsibilities of the Head of Paid Service

- 12.5 The Chief Executive is the Head of Paid Service.
- 12.6 The Head of Paid Service reports to Full Council, the Cabinet and other Committees on how the Council ought to be staffed, managed and organised so that it operates efficiently and effectively.
- 12.7 Corporate management responsibility – The Head of Paid Service is responsible for the overall corporate management and operations of the Council and its staff. They are responsible for the recruitment of all staff below Group Director Level, except the Council’s Monitoring Officer and Director of Public Health.
- 12.8 Providing advice – The Head of Paid Service provides advice to all elected members involved in the decision-making process.

- 12.9 Service strategies – The Head of Paid Service advises and assists in planning and delivering effective policies and programmes, which make best use of available resources to achieve the Council’s priorities.
- 12.10 Representing and Negotiating on behalf of the Council - The Head of Paid Service is responsible for representing the Council and negotiating with external bodies and networks.
- 12.11 Emergency Powers – The Head of Paid Service has the power to discharge the responsibilities of other Chief Officers when there is an emergency or action is needed urgently. They do this in consultation with the Elected Mayor.
- 12.12 Restrictions on who may be the Head of Paid Service – The Head of Paid Service cannot be the Monitoring Officer, but can be Chief Finance Officer if they are a qualified accountant as described in section 5(1A) Local Government and Housing Act 1989.

Responsibilities of the Monitoring Officer

- 12.13 The Monitoring Officer is the Director of Legal, Democratic and Electoral Services. The role of the Monitoring Officer is to ensure that the Council operates within the law and its Constitution. Further information can be found in the Monitoring Officer Protocol set out in Part X of this Constitution. The Monitoring Officer cannot be the Chief Finance Officer or the Head of the Paid Service.

Unlawfulness, maladministration or injustice by the Council

- 12.14 If the Monitoring Officer considers that any proposal, decision or omission by the Council or by the Elected Mayor and Cabinet would be unlawful or has given rise to maladministration, they must make a report to Full Council. Before making a report they must consult with the Head of Paid Service and Chief Finance Officer. When the Monitoring Officer makes such a report, no further action can be taken and the proposal or decision cannot be implemented until the report has been considered. The report must be considered by Full Council within 21 days.
- 12.15 The Monitoring Officer shall not have a duty to prepare a report with regard to maladministration and injustice unless a Local Commissioner has conducted an investigation (as provided for in Part III of the Local Government Act 1974) in relation to that proposal, decision or omission. When such a report is completed, the Monitoring Officer will ensure that a copy is sent to each member of the Council.

Unlawfulness, maladministration or injustice by the Elected Mayor and Cabinet

- 12.16 Where the proposal, decision or omission that has led to or would lead to unlawfulness or maladministration is that of the Elected Mayor or Cabinet, the Monitoring Officer must make a report to Cabinet, which must be considered within 21 days.
- 12.17 As soon as practicable after Cabinet has considered the Monitoring Officer's report, it must prepare a report that will include:
- i) what action Cabinet has taken in response to the report; or
 - ii) what action Cabinet proposes to take in response to the report and when it proposes to take that action; and
 - iii) the reasons for taking that action, or the reasons for not taking any action.

As soon as practicable after Cabinet has prepared this report, it must circulate a copy of the report to all members of the Council and the Monitoring Officer.

Supporting the Standards Committee

- 12.18 The Monitoring Officer, together with the Independent Person, will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

Maintaining the Constitution

- 12.19 The Monitoring Officer will maintain an up-to-date hard copy version of the Constitution and will ensure that it is widely available to Members, Officers and the public.

Conducting investigations regarding the conduct of elected members

- 12.20 The Monitoring Officer will consider complaints about the conduct of elected members and will, where necessary, arrange the conduct of investigations, and make reports or recommendations about them to the Standards Committee.

Register of Interests

- 12.21 The Monitoring Officer will establish and maintain a register of interests of Councillors and voting co-opted members.

Proper Officer for access to information

- 12.22 The Monitoring Officer will ensure that all non-exempt or confidential Cabinet and Committee decisions, together with the reasons for those decisions and

relevant Officer reports and background papers, are publicly available as soon as possible.

Advising whether Cabinet decisions are within the budget and policy framework

12.23 The Monitoring Officer will advise whether decisions of the Cabinet are in line with the budget and policy framework.

Providing advice

12.24 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to full Council.

Responsibilities of the Chief Finance Officer

12.25 The Chief Finance Officer is appointed under Section 151 of the Local Government Act 1972. At the London Borough of Hackney the Chief Finance Officer is the Group Director of Finance and Corporate Resources.

12.26 The Chief Finance Officer is responsible for the administration of the financial affairs of the Council.

12.27 The Chief Finance Officer provides advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and supports and advises Councillors and Officers.

Ensuring lawfulness of expenditure

12.28 After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council, or to Cabinet in relation to a Cabinet function, and to the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully. Where the Chief Finance Officer makes such a report, no further action can be taken and the proposal or decision cannot be implemented until the report has been considered.

12.29 When the report is completed, the Chief Finance Officer must send a copy of the current audit of the Council's accounts to each member of the Council. The Chief Finance Officer will as soon as is reasonably practicable notify the Council's auditors of the date, time and place of the proposed meeting. As soon as is reasonably practicable after the meeting, the Chief Finance Officer will notify its auditor of any decision made at the meeting.

Ensuring lawfulness of expenditure by the Elected Mayor and Cabinet

- 12.30 Where the Chief Finance Officer considers that any proposal, decision or course of action on the part of the Elected Mayor and Cabinet will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully, Cabinet must consider the report referred to above at a meeting and decide whether it agrees or disagrees with the report. The Cabinet must also decide what action to take when it meets. The meeting must be held on, or within, 21 days from the day that the copies of the report are sent.
- 12.31 As soon as practicable after the Cabinet has considered the Chief Finance Officer's report it must prepare a report that will include:
- i) what action the Cabinet has taken in response to the report;
 - ii) what action the Cabinet proposes to take in response to the report and when it proposes to take that action;
 - iii) the reasons for taking that action, or the reasons for not taking any action.

As soon as practicable after Cabinet has prepared this report, it shall arrange for a copy of the report to be circulated to the person who has the duty to audit the Council's accounts, all Council Members and the Chief Finance Officer.

Providing financial information

- 12.32 The Chief Finance Officer will provide financial information to the media, members of the public and the community.

Responsibilities of the Director of Children's Services

- 12.33 Every top-tier or unitary local authority in England is required by the Children Act 2004 to appoint a Director of Children's Services and to designate a lead Councillor for children's services in accordance with section 18 Children's Act 2004.
- 12.34 At the London Borough of Hackney, the Group Director of Children and Education is the designated Director of Children's Services. As such, they are accountable for the delivery of education and social services functions for children, and any health functions for children delegated to the authority by an NHS body.

Responsibilities of the Director of Adult Social Services

- 12.35 Section 6 of the Local Authority Social Services Act 1970 requires the appointment of an Officer, to be known as the Director of Adult Social Services. The Authority shall also secure the provision of adequate staff to assist the Director of Adult Social Services in the discharge of their functions.
- 12.36 At the London Borough of Hackney, the Group Director of Adults, Health and Integration is the designated Director of Adult Social Services and responsible for all of the authority's social services functions, other than those for which the authority's Director of Children's Services is responsible under Section 18 of the Children Act 2004.

Responsibilities of the Director of Public Health

- 12.37 Full Council must act jointly with the Secretary of State to appoint an Officer known as the Director of Public Health in accordance with Part 3 of the National Health Service Act 2006. The Council's Director of Public Health is jointly appointed with the City of London Corporation and provides leadership to secure better health for the citizens of both Hackney and the City.
- 12.38 The responsibilities of the Director of Public Health are broadly to implement all the health improvement and public health duties of local authorities. The responsibilities of the Director of Public Health include:
- a) the health improvement duties that the National Health Service Act 2006 places on local authorities;
 - b) the exercise of any public health functions which the Secretary of State requires the local authority to exercise by regulations made under section 6C National Health Service Act 2006;
 - c) any public health activity undertaken by the local authority under arrangements with the Secretary of State;
 - d) local authority functions in relation to planning for, and responding to, emergencies that present a risk to public health;
 - e) the local authority role co-operating with police, probation and prison services in relation to assessing risks of violent or sexual offenders; and
 - f) other public health functions that the Secretary of State may specify in regulations.

The Council's duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

12.39 The Council will provide the Monitoring Officer and Chief Finance Officer with officers, accommodation and other resources it considers to be sufficient to perform their duties.

Conduct of Officers

12.40 All officers must comply with the Council's Employee Code of Conduct and the Protocol on Officer/Member Relations. The Protocol is set out in Part X of this Constitution.

Employment

12.41 The recruitment, selection, disciplining and dismissal of Officers must comply with the Officer Employment Procedure Rules set out in Part 4 of the Constitution.

Proper Officers

12.42 The Monitoring Officer must maintain a list of Proper Officers. This list can be found in Part X of this Constitution.

Part Two - Articles of the Constitution

Article 13 - Decision Making

Responsibility for decision-making

- 13.1 The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions, or for decisions relating to particular areas or functions. This record is set out in Part X of the Constitution.
- 13.2 Notice of decisions to be taken and publication of decisions made will be in accordance with the Access to Information Procedure Rules set out in Part X of the Constitution.

Principles of decision-making

- 13.3 All decisions of the Council will be made in accordance with the principles set out in Part 1, Section B of the Constitution.

Decisions reserved to Full Council

- 13.4 Full Council will make decisions relating to those functions listed in Article X.

Key Decisions

- 13.5 A key decision is an executive decision which is likely to
- i) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decisions relates, or
 - ii) be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.
- 13.6 Key decisions can be made by the Elected Mayor alone, by Cabinet collectively, by any executive committees, by individual Cabinet Councillors and by Officers. The decision maker must comply with the requirements of the Access to Information Procedure Rules as set out in Part X of this Constitution.

Decision-making by the Full Council

- 13.7 Subject to Article X, Full Council meetings will comply with Council Procedure Rules set out in Part X of this Constitution.

Decision-making by the Cabinet

13.8 Subject to Article X, the Cabinet will comply with the Cabinet Procedure Rules set out in Part X of this Constitution.

Decision-making by the Scrutiny Panel and Commissions

13.9 The Scrutiny Panel and Commissions will follow the Overview and Scrutiny Procedure Rules set out in Part X of this Constitution when considering any matter.

Decision-making by Council Committees and Sub-Committees etc

13.11 Subject to Article X, other Council Committees and Sub-Committees etc will comply with the Council Procedure Rules set out in Part X of this Constitution.

Decision-making by Council bodies acting as tribunals

13.12 Council bodies or persons acting as a tribunal or in a quasi-judicial manner will follow a procedure which accords with the requirements of natural justice.

Part Two - Articles of the Constitution
Article 14 - Finance, Contracts and Legal Matters

Financial management

14.1 The management of the Council's financial affairs will be conducted in accordance with the financial standing orders set out in Part X of the Constitution.

Contracts

14.2 Every contract made by the Council will comply with the Contract Standing Orders set out in Part X of this Constitution.

Legal Procedures

14.3 The Director of Legal, Democratic and Electoral Services is authorised to:

- i) issue, defend, settle or participate in any legal proceedings or mediation (including preparatory steps) where this is necessary to give effect to the decisions of the Council or where the Director considers that such action is necessary to protect the Council's interests;
- ii) prepare any legal document or agreement;
- iii) sign any legal document on behalf of the Council;
- iv) witness the affixing of the Council's seal;
- v) register, enforce and remove any charge on the title of any property, in conjunction with the relevant Cabinet Councillor;
- vi) consent to the registration of other charges on the title of any property where the Council already holds a charge;
- vii) take out letters of administration or grant of probate on behalf of the Council;
- viii) instruct Counsel and external solicitors;
- ix) engage professional experts and witnesses;
- x) waive, alter or modify the rules relating to the hearing of applications for licences, registrations and consents by the Council.

- xi) delegate authority to carry out any of the responsibilities listed above to such other Officers within the Legal Service as they consider appropriate.

Authentication of documents

- 14.4 Where the production of any document is required in connection with any legal proceedings, including mediation, the Director of Legal, Democratic and Electoral Services, or any other person(s) authorised by them, is authorised to produce the document and certify that it is a true copy of the original.

Entering into a contract or agreement

- 14.5 Any contract entered into by the Council will be made in writing.
- 14.6 The following contracts or agreements must be made under the Common Seal of the Council, which is attested by either the Director of Legal, Democratic and Electoral Services or some other person authorised by them:
- any contract entered into by the Council which is valued at £500,000 or more;
 - all high risk contracts;
 - any civic agreements;
 - any agreement where no price or other tangible consideration is mentioned;
 - any agreement which is required by law to be made under seal;
 - any document which in the opinion of the Director of Legal, Democratic and Electoral Services should be made under seal.
- 14.7 A decision made by the Council will be sufficient authority for signing or sealing any document necessary to give effect to the decision.

Common Seal of the Council

- 14.8 The Common Seal of the Council will be kept in a safe place in the custody of the Director of Legal, Democratic and Electoral Services.

Part Two - Articles of the Constitution

Article 15 - Review and Revision of the Constitution

Duty to monitor and review the Constitution

- 15.1 Full Council and the Monitoring Officer are responsible for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 15.2 To ensure that the Monitoring Officer is aware of the strengths and weaknesses of the Constitution, and to enable them to make recommendations for ways in which it could be amended, the Monitoring Officer may:
- observe any meetings of the Council, whether conducted by elected members or Officers;
 - undertake an audit of decisions made;
 - record and analyse issues raised with them by elected members, co-optees, Officers, the public and other relevant stakeholders; and
 - compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Changes to the Constitution

- 15.3 Full Council must approve changes to the Constitution other than as set out below. Where amendments concern ethical governance issues, the Standards Committee must consider them before Full Council.
- 15.4 Unless the change relates only to the operation of the Council's scrutiny functions, any resolution of Full Council to approve any amendment to the Constitution will not take effect unless the Elected Mayor has first been notified of the amendment and has either consented in writing to the amendment or a period of 5 working days has elapsed since being notified of the amendment.
- 15.5 The Monitoring Officer may make amendments to the Constitution without the approval of Full Council which:
- are required as a result of any legislation, including new or amending legislation;
 - correct any typographical, grammatical or formatting errors;
 - improve public accessibility of the Constitution;
 - arise as a result of any restructure of the Council's staffing arrangements agreed by the Head of the Paid Service, including re-naming of posts and service areas.

- 15.6 Before any change from an Elected Mayor and Cabinet system to another form of organisational system, e.g. Leader and Executive system, Committee system, the Council must take reasonable steps to consult with local electors and other interested persons in the area and must hold a binding referendum. If a referendum votes for change, this will not take effect until the end of an Elected Mayor's term of office.

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Part Two - Articles of the Constitution

Article 16 - Suspension, Interpretation and Publication of the Constitution

Suspension of the Constitution

Limit to suspension

16.1 The Articles of this Constitution may not be suspended. However, Full Council may suspend Council Procedure Rules to the extent permitted within the Rules and the law.

Procedure for suspension

16.2 Unless otherwise stated, a motion to suspend any of the Council Procedure Rules set out in Part X of the Constitution may not be moved without notice unless at least one third of the whole number of elected members are present. The extent and duration of suspension must be proportionate to the reason for that suspension and must take into account the purposes of the Constitution.

Rules capable of suspension without notice by less than one half of the whole number of elected members

16.3 The following Council Procedure Rules may be suspended:

- i) Duration of meeting (Rule X);
- ii) Questions by the public (Rule X);
- iii) Questions by Councillors – except there shall be no suspension of the time limit for Councillors' questions (Rule X);
- iv) Deputations (Rule X);
- v) Petitions (Rule X);
- vi) Total time for consideration of motions (Rule X);
- viii) Debating reports (Rule X);
- ix) Previous decisions and motions (Rule X);
- x) Councillors' conduct (Rule X).

Interpretation

16.4 At any meeting of the Council, the Speaker or Chair is responsible for rulings as to the construction, interpretation or application of the Constitution having taken advice from the Monitoring Officer or legal adviser. A member may request an explanation from the Speaker or Chair as to their ruling, but once an explanation has been provided the ruling will be final.

Publication

- 16.5 The Monitoring Officer will ensure elected members receive an electronic copy of the Constitution.
- 16.6 The Monitoring Officer will ensure that an electronic copy of the Constitution is available for inspection on the Council's website.
- 16.7 The Monitoring Officer will ensure that a printed copy of the Constitution is available for inspection at Hackney Town Hall on request. Paper copies of the Constitution can be purchased by the press and the public on payment of a reasonable fee.

FINAL