

MINUTES OF A MEETING OF THE CONSTITUTION COMMITTEE

WEDNESDAY 29 MARCH 2023

Link to live stream: <https://youtu.be/pG9Ua6cX5qw>

Councillors Present:	Deputy Mayor Cllr Anntoinette Bramble in the Chair Cllr Alastair Binnie-Lubbock, Cllr Ian Rathbone Cllr Lynne Troughton
Present virtually:	n/a
Officers in attendance:	Dawn Carter-McDonald (Director of Legal, Democratic and Electoral Services), Louise Humphreys (Head of Legal and Governance), Natalie Kokayi (Governance Officer), Tessa Mitchell (Governance Team Leader), Bola Roberts (Secretary, Legal and Governance Services), Natalie Williams (Senior Governance Officer)

Cllr Ian Rathbone left the meeting at 6:55pm

The Chair welcomed Members to the meeting.

1 Apologies For Absence

1.1 Apologies were received from Cllr Gordon.

2 Declarations of Interest - Members to declare as appropriate

2.1 Deputy Mayor Bramble declared that she is chair of the Local Government Association.

3 Consideration Of The Minutes Of The Previous Meeting

3.1 Councillors considered the previous minutes of the meeting held on 30 January 2023.

RESOLVED:

That the minutes of the Constitution Committee held on 30 January 2023 were agreed as a true and accurate record of proceedings subject to:

- **3.1. to read 'RESOLVED: that the minutes of the Constitution Committee held on 13 July 2022 were approved as a correct record'.**

- **ACTION 3 The COWG is working through comments received and an email will be circulated to Committee members.**

4 Constitution Review - Introduction and Engagement

- 4.1 Deputy Mayor Bramble introduced the item noting that Cllr Gordon and herself had met with officers to agree the approach to the members' review at committee to ensure best use of time. The approach ensured that members had the opportunity for dialogue that included suggestions, comments or queries which were presented in public and which officers took back to the Constitution Officer Working Group (COWG).
- 4.2 The Head of Legal and Governance noted the continued work on comments and suggestions received from members. Officers had met with the Engagement and Consultation Team to consider planned public consultation before the draft constitution goes to Full Council. The initial survey work will start in April to consider the current Constitution followed by focus groups relating to the public facing elements of the Constitution. It was proposed to present the consultation plan to the next Constitution Committee meeting. The aspiration was to provide any first draft sections of the constitution that had not been seen by the Committee, at the next meeting.
- 4.3 The Director of Legal, Governance, and Democratic Services reiterated the importance of public consultation and had agreed with officers to use Hackney publications that ensured as wide and accessible engagement as possible. Members also had the opportunity to consider how they participated in consultation events. The Chair noted the importance of member participation in the consultation process and included resident representative organisations including the voluntary sector.
- 4.4 Councillors suggested the following amendments and areas for improvement:

Points to note

- The importance of the consultation and engagement process was reiterated.
- Concerns were raised about the tight working timescales for the Committee. The Chair offered to take concerns back to officers to be considered outside the meeting.
- It was suggested the design for the focus groups was shared in advance and to understand who had expressed interest in attending focus groups.
- To ensure residents who had submitted petitions or deputations were invited to participate in the consultation.
- The Head of Legal and Governance noted the focus group design was to start in April and that members saw the design before the focus groups took place.
- A consultation outcomes report would be produced to outline comments received and how they had been addressed.
- To ensure that Hackney Youth Parliament (HYP) and Hackney Futures had the opportunity to engage with the consultation process.

ACTION 1: Officers to present the Engagement Plan to the next Committee meeting.

ACTION 2: Officers to present any first drafts of the Constitution, not seen by members, at the next Committee meeting.

Overview and Scrutiny Update

4.5 The Head of Legal and Governance introduced the update and noted the meeting held with the Chair of Scrutiny Panel and the Director of Legal and Democratic Services and the subsequent comments received (Appendix 2). The following comments were made by the Committee:

- The name change proposed from Scrutiny Commissions to Scrutiny Committees needed further consideration, as Commissions have different functions; Committees had decision-making powers.
- The name change may cause confusion to the general public.
- The Director of Legal and Democratic Services suggested that further discussion with the Chair of Scrutiny Panel take place outside the committee meeting to review the proposed name change.

Points to note at Appendix 2

- p21 (point 23) Councillor Call for Action - clarification was sought on the wording ('Notwithstanding, the option for formal reference shall remain available' and 'Lead Councillor') and the Director of Legal and Democratic Services noted the importance of consistency of language, accuracy, and use of plain English throughout the document.
- p23 (point 7.13 e) that the membership of the Children and Young People Scrutiny Commission (CYPS) considered representation from other Hackney Muslim organisations. It was noted that there were legal obligations regarding representation on CYPS.
- p23 (point 7.13 f) clarification was sought as to who the Free Churches Group represented and to give consideration for representation from other groups such as the Borough Dean's Group.
- p23 (point 7.13 h) to review the number of representatives from Hackney Youth Parliament.
- p23 7.15 ii to consider retaining the word 'Cabinet'.
- p24 (point 7.15 iii) that the word 'liaise' be retained.

Points to note at Appendix 3b

- Wording to be reviewed and clarified at p31 (point 6) about the approach to nominations for Vice-Chair from opposition groups.
- To consider the scope to establish an Environmental Scrutiny Commission to consider the climate emergency. Officers noted this was outside the Committee's remit.
- Feedback from Cllr Gordon was noted and would be shared with the Head of Legal and Democratic Services for consideration.

Points to note at Appendix 3c - Part Four - Procedure Rules Section E - Call in Procedures

- It was clarified that the Call-in form noted on p40 2.1 (c) was in development and anticipated that it would be available electronically to members as part of the Call-in process.
- Include a procedure requiring consultation with the Lead Cabinet member before submitting a Call-in, be considered.
- Further discussion was needed regarding Protection from Call-in at p42 7.2.

ACTION 3: Officers to review and consider all comments and suggestions raised by the Committee.

Part Seven, Section B - Standing Orders Relating to the Holding of Office Appendix 4

4.6 This was a proposed new section of the Constitution that provided information for members and the public about legislative issues relating to councillor Offices. Members made the following comments for further consideration:

- Clarification was required at p47 para 17 regarding the status of the Speaker when they retire as a councillor during their term of Office.
- Review p47 para 22 and 23 which required clarification to ensure it complied with legislative provision, was accurate, and used plain English.

ACTION 4: Officers to review provisions discussed under Appendix 4 as outlined by Members.

Part Seven, Section E - The Elected Mayor's and Councillors' Rights to Access Information Appendix 5

4.7 The Head of Legal and Governance introduced the item noting this section of the Constitution already exists. The proposed changes split the existing Access to Information section in the Constitution into two parts, one that dealt with public rights and one that dealt with the rights of elected Members.

Comments for consideration:

- It was proposed the councillor version sits in Part 7 - Information for Elected Members and the Public Access Information to sit in the Public Participation section.
- Clarification regarding Rights to Access Material p49 para 4 required further consideration to provide clarity on the meaning and who had authority to adjudicate on decisions made.
- It was confirmed that members are Data Controllers under the legislation, p50 para 13, and training was mandatory for members.
- 'Disclosure of information for political purposes' on p51 para15 required further consideration and clarification.

ACTION 5: Officers to ask Member Services to recirculate to Members the link about their role as Data Controllers.

Glossary of Terms Appendix 6

4.8 Introduced by the Head of Legal and Governance. It was proposed that the Glossary was at the front of the Constitution and members were reminded that the entire document would include hyperlinks back to the Glossary. Proposals for engagement on the Constitution and the work plan were to be shared with the Committee.

Comments considered by the Committee were:

- Under Co-optee it was proposed to take out the example.
- The definition of Group Leader required further explanation.

RESOLVED: That the comments / observations made on the documents accompanying the report in Appendices 2 - 6 during the meeting be adopted and referred to the Constitution Officer Working Group for consideration.

5 Any Other Business Which In The Opinion Of The Chair Is Urgent

5.1 There was no other urgent business.

Duration of the meeting: 5.35pm - 7.08pm