



Brent

**COUNCIL MEETING SUMMONS –
Changes to the Constitution –
Appendix 2**

Monday 7 September 2015 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

To the Mayor and Councillors of the London Borough of Brent and to each and every one of them.

I hereby summon you to attend the MEETING OF THE COUNCIL of this Borough.

CHRISTINE GILBERT
Chief Executive

Dated: Thursday 27 August 2015

For further information contact: Peter Goss, Democratic Services Manager
020 8937 1353, peter.goss@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting
Please note this meeting will be filmed for live broadcast on the
Council's website. By entering the meeting room you will be
deemed to have consented to the possibility of being filmed and to
the possible use of those images and sound recordings for
webcasting.

Agenda

9 Changes to the constitution

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This report sets out proposed changes to the Constitution and sets out minor and other technical changes to the Constitution made by the Chief Legal Officer.

Appendix 2 referred to in the report is available on-line and a paper copy is available on request.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

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SUMMARY

1. The Council's Constitution

Brent Council has agreed a new Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. Some of the procedures are required by law, while others are a matter for the Council. The Constitution is divided into 8 Parts. These contain the Articles of the Constitution, the Standing Orders and other rules, codes, protocols and the Members' Allowances Scheme. In particular, Parts 3 and 4 set out the rules governing the conduct of the Council's business and which part of the Council is responsible for various functions.

2. The Articles

Article 1 of the Constitution commits the Council to providing clear leadership to the community and supporting the active involvement of citizens in the process of local democracy. It also commits the Council to help councillors represent their constituents more effectively, enable decisions to be taken transparently, efficiently and effectively; and to provide a means of improving the delivery of services to the community. Articles 2 – 15 explain the relationship between citizens and the Council; and the rules governing the Council's business. The full list of Articles is:

- The Constitution (Article 1).
- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Full Council (Article 4).
- The Mayor (Article 5).
- Scrutiny Committee (Article 6).
- The Cabinet (Article 7)
- Regulatory and other Committees (Article 8).
- The Standards Committee (Article 9).
- Consultative Forums (Article 10).
- Other Bodies and Panels (Article 11)
- Joint Arrangements (Article 12).
- Officers (Article 13).
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3. The Full Council

The Council is comprised of 63 councillors who are elected every four years. Councillors are democratically accountable to the residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for ensuring training is provided to members and advising councillors on, and overseeing their compliance with, the Code of Conduct. Councillors meet together at meetings of Full Council where they decide the Council's overall policies and set the budget each year. The Council also has an important role in appointing the Leader of the Council and holding to account the Cabinet. Meetings of the Council are normally open to the public.

4. The Cabinet

The Leader of the Council is a member of the Council who is elected to the post by the other members at a meeting of the Full Council. The Leader chooses between 2 and 9 other councillors to form the Cabinet. The Cabinet is responsible for putting policies, which Full Council has approved, into effect. The Cabinet is the part of the Council which is responsible for most of the Council's day-to-day decision making not delegated to officers. A list of the Cabinet members, their portfolios and their addresses are given in this Part 1.

5. Key Decisions

When Key Decisions are to be discussed or taken, these are published in the Forward Plan, in so far as they can be anticipated. If the Cabinet is meeting to take Key Decisions or discuss them with Council officers present, it will generally meet in public, except where confidential or exempt information would be disclosed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

6. Scrutiny

The Council has appointed a Scrutiny Committee to support the work of the Cabinet and the Council as a whole. The Scrutiny Committee holds the Cabinet to account by scrutinising its decisions, examining performance and asking questions of decision-makers and service providers. A decision which has been made by the Cabinet but not yet implemented can be called in for Scrutiny and will be considered by the Scrutiny Committee subject to the reasons for the call-in being within the framework laid out in the call-in protocol included in Part 7 of this Constitution.

They may recommend that the Cabinet reconsider the decision but cannot block a decision indefinitely or impose their own views on the Cabinet.

The Scrutiny Committee is also involved in strategic and cross-cutting issues by supporting the Cabinet in the development and review of policy, overseeing health matters, and reviewing the performance of other partners and the Local Strategic Partnership work programme.

7. Other Committees

In addition to the committees specifically mentioned above, the Council has established a number of committees and sub-committees to deal with audit, staffing, planning, licensing, [health](#), [standards](#), [safeguarding](#), [equalities](#) and pension related functions. The Leader has also appointed a Highways Committee to deal with executive functions relating to highways and parking. The Cabinet has appointed a [sub-committee](#); the Barham Park Trust Committee.

8. Membership of committees and sub-committees

The membership and terms of reference of the Council committees and sub-committees and any joint committees are set out in Part 5 of this Constitution. The membership and terms of reference of the Cabinet Committee(s) are set

out in Part 4 of this Constitution. The structure of the Council and Cabinet Committees are shown in the Decision Making Structure Chart included in this Part 1.

9. Consultative Forums

In order to give local citizens a greater say in Council affairs the Council has established a number of consultative forums.

Five Area Consultative Forums have been created. These cover Kingsbury & Kenton, Wembley, Harlesden, Willesden and Kilburn & Kensal. Four Area Housing Boards have been created. These cover (1) North Wembley and South Wembley, (2) South Kilburn, (3) North Kilburn, and (4) Harlesden, Brentfield and St Raphaels. Five Service User Forums have been created. These are Disability and Mental Health, Private Sector Housing, Pensioners, Voluntary Sector Liaison and Equality Forum. The Council has also established a Youth Parliament.

These bodies provide a forum for residents and businesses to discuss and raise concerns about issues in their locality or which are important to the particular group for which the forum or board is designed. They also respond to consultation initiatives by the Council. The consultative forums involve relevant councillors and their meetings are generally held in public. Issues arising from the forums are fed back into the Council's decision making process.

10. The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

11. Citizens' Rights

The Council welcomes participation by its citizens in its work. Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau and Community Law Centre can advise on individuals' legal rights. Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, confidential or exempt information would be disclosed;
- petition to request a referendum on an elected Mayor;
- contribute to reviews conducted by the Scrutiny Committee and/or their task groups;
- find out, from the Forward Plan, what Key Decisions are to be discussed by the Cabinet or decided by the Cabinet, its committees or officers, and when;

- attend meetings of the Cabinet or its committees ~~when Key Decisions are being made, or discussed with officers present~~, except where exempt or confidential information is being discussed;
- see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council about its service provision;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

12. Rules of Procedure

The Council has adopted rules of procedure called Standing Orders which give effect to the general principles set out in the Articles and govern the conduct of Council business. These are set out in Part 3 of this Constitution. The Standing Orders cover the rules of debate and procedure for the conduct of meetings of Full Council and its various committees. There are also provisions relating to the Leader, the Cabinet, the Scrutiny Committee, the Standards Committee and the Audit Committee. —There are separate Standing Orders relating to Staff and Contracts.

The Council has also adopted Financial Regulations which govern financial management and control within the Council. These are contained in Part 6 of this Constitution.

13. Responsibility for Functions

The functions of the Council are generally divided between Full Council and its committees and the Leader and the Cabinet and its committees. This is either as a matter of law or where there is a choice, as set out in this Constitution. Officers may also carry out certain functions of the Council under powers delegated to them by Full Council or the Leader or the Cabinet. Part 4 of this Constitution sets out in detail the division of functions between the Leader, the Cabinet and the Council and the scheme of delegation to officers and committees and sub-committees.

14. Access to Council Meetings and Documents

The Council has adopted a set of rules called the Access to Information Rules which set out the Council's procedures for ensuring transparent decision making and a protocol which gives some further information and/or guidance about the type of information that will be given to members of the Council. These include the following rules relating to public access to Council meetings and documents:

- (a) Citizens can attend meetings of the Council or its committees except where exempt or confidential information is being discussed.

- (b) Citizens have the right to attend meetings of the Cabinet or its committees ~~when Key Decisions are being made, or discussed with officers present~~, except where exempt or confidential information is being discussed.

- (c) Citizens also have the right to see reports and background papers, and any record of decisions made by the Council and the Cabinet, again subject to the rules relating to exempt and confidential information.

DEFINITIONS

The words and phrases defined in this definition section shall have the meaning set out below unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.

- The **Access to Information Rules** set out the Council's rules relating to access to meetings and documentation relating to meetings; and exempt and confidential information. These can be found in Part 6 of this Constitution.
- The **Annual Meeting** is the meeting of Full Council each year at which the Mayor is elected.
- The **Articles** in the Constitution set out the overall framework of what is to be done and by whom. Standing Orders, Codes of Conduct and the other documents forming part of the Constitution set out how the Articles will be put into effect.
- The **Authority** means the London Borough of Brent.
- **Best Value** means the requirement under the Local Government Act 1999 that the Council make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- The **Brent Members' Code of Conduct** means the document which has been adopted by the London Borough of Brent setting out what is expected of members and co-opted members of the Authority in terms of their conduct and behaviour, as set out in Part 7 of this Constitution.
- The **Cabinet** is the main decision making body of the Council in particular it is responsible for implementing the Council's Policy Framework and Budget. The Cabinet is made up of the Leader and between two and nine other councillors chosen by the Leader. The Cabinet will carry out all of the Authority's functions which are delegated to it by the Leader and that are not the responsibility of any other part of the Authority, whether by law or under the Constitution. The Cabinet comprises the members appointed by the Leader under the Constitution and the Leader.
- **Cabinet Committees** are committees set up by the Cabinet or by the Leader and to which the Cabinet or the Leader has allocated executive functions. Members of Cabinet Committees will be members of the Cabinet. The Highways Committee is a Cabinet Committee established by the Leader. The Barham Park Trust Committee is a committee appointed by the Cabinet.
- **Chair** means the person who presides over a meeting. At meetings of Full Council the Mayor chairs the meeting. Chairs of Council committees are appointed by Full Council and Chairs of sub-committees are appointed by the relevant parent committee. The Leader will usually chair meetings of the Cabinet.
- The **Chief Executive** is the Head of Paid Service as defined in section 4 of the Local Government and Housing Act 1989 and below.

- The **Chief Finance Officer** is the officer appointed in accordance with section 151 of the Local Government Act 1972 who has responsibility for the administration of the financial affairs of the authority.
- **Chief Officers** are defined in Article 13.
- A **Code of Conduct or Code of Practice** is a document forming part of the Council's Constitution which guides and regulates the behaviour of various groups and individuals. .
- A **Committee** is a group of members (including co-opted members) chosen or elected to perform a specific function or purpose. The Authority has various types of committees which are defined separately. There are both committees and sub-committees of the Council and there is a Highways Committee and Barham Park Trust Committee of the Cabinet. The terms of reference of the committees and sub-committees are set out in Parts 4 and 5 of this Constitution. There are also a number of joint committees.
- **Confidential Information** is defined in section 100A(3) of the Local Government Act 1972 as:
 - (a) Information furnished to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
 - (b) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;
- The **Constitution** is a document adopted by Brent Council which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in Standing Orders and in separate rules and protocols, also forming part of the Constitution.
- A **Co-opted Member** means a person who is a member of any committee or sub-committee of the Council but is not a councillor or officer of the Council. Co-opted members generally do not have voting rights on committees, although statute permits certain co-opted members to vote, notably parent governor representatives and church representatives. There are 4 education co-opted members with voting rights on the Scrutiny Committee. There are a further 2 education co-opted members on that committee without voting rights. The voting education co-opted members may only vote on education matters. The Health and Wellbeing Board also includes co-opted members who have voting rights. There are 2 non-voting co-opted members on the Pension Fund Sub-Committee, one non voting co-opted member on the Audit Committee and one non voting co-opted member on the Standards Committee. There are also up to 4 co-opted non voting members on the Corporate Parenting Committee. [In addition, all three members of the Dismissal Advisory Panel are independent persons appointed under section 28\(7\) of the Localism Act 2011 and in accordance with the requirements of the Local Authorities \(Standing Orders\) \(England\) \(Amendment\) Regulations 2015.](#)

- **Corporate Strategy** means the document adopted by the Council setting out the Council's vision, values and key commitments for the next four years.
- **Council Functions** are those functions of the Authority which cannot be exercised by the Cabinet. ~~–~~These functions may be carried out by the Full Council, a Council Committee, Council Sub-Committee, Joint Committee of the Council, officers or any other person authorised by the Full Council to carry out Council functions. Council Functions cannot be carried out by the Cabinet.
- **Day** means a clear working day unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.
- **Delegated Powers** are powers to make decisions which are delegated by a decision making body to another decision making body or decision maker, such as an officer.
- **Deputy Mayor** means a councillor, not being a member of the Cabinet, appointed by the Mayor to act as his or her deputy. In the absence of the Mayor, the Deputy Mayor will perform the functions of Mayor except that the Deputy Mayor will only chair a Full Council meeting, in the absence of the Mayor, if chosen to do so by the members of Full Council at that meeting.
- The **Director of Public Health** (DPH) is the officer appointed by the Council pursuant to National Health Service Act 2006 S73A. The DPH has the responsibilities and duties prescribed by statute, most particularly to write the annual report on health of the local population, to improve public health, to carry out public protection and improvement functions delegated to the DPH by the Secretary of State, to plan and respond to emergencies that present a risk to public health.
- **Executive Functions** are any functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution, and these are carried out by the Cabinet. The division of functions between the Cabinet and the Council are set out in Part 4 of this Constitution.

Generally, the division of functions between the Cabinet and the Council is:

- (a) Determination of the Authority's budget, policies and strategies as set out in the Budget and Policy Framework are the responsibility of Full Council;
- (b) Functions which will involve either determining an application from a person for a licence, approval, consent, permission or registration or direct regulation of a person together with any related enforcement actions (including prosecution) are the responsibility of the Council. Functions involving staffing issues and other specific matters as set out in Part 4 of the Constitution are also the responsibility of the Council. These functions will be carried out by officers or one of the Council's committees. They cannot be carried out by the Cabinet; and

- (c) All other functions are to be the responsibility of the Cabinet. This includes making decisions on education, social services, most (but not all) highways and parking matters and housing functions. The Cabinet will award contracts, dispose of assets and will develop the policies to be approved by the Council.
- **Exempt Information** means information falling within the 7 categories set out in Schedule 12A of the Local Government Act 1972 and subject to the relevant qualifications set out in that schedule and. These rules are explained further in the Access to Information Rules, which form part of this Constitution.
 - An **Extraordinary Meeting** is a meeting of Full Council called by the Mayor. However, if the Mayor refuses to call an Extraordinary Meeting or does not do so within seven days after a request by five Councillors any five councillors may call an Extraordinary Meeting of Full Council.
 - The **Financial Regulations** are contained in Part 6 of this Constitution and set out the rules and procedure, which govern financial management and control within the Council.
 - The **Forward Plan** is a document prepared by the Head of Executive and Member Services which contains details of all the matters likely to be the subject of Key Decisions to be taken by either the Cabinet, the Highways Committee or Barham Park Trust Committee or other committees or officers and may also include other important decisions to be taken by the Council, its committees or officers.
 - A meeting of **Full Council** is a meeting to which all 63 councillors of the Authority are invited to attend.
 - The **Head of Paid Service** is the officer appointed by the Authority in accordance with section 4 of the Local Government and Housing Act 1989 who has overall corporate management and operational responsibility within the Council. In the London Borough of Brent the Head of Paid Service is the officer appointed to the position of Chief Executive.
 - A **Joint Committee** is a committee comprising members of two or more local authorities created under section 102(1) of the Local Government Act 1972.
 - The term **Key Decision** is defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. A decision will be a Key Decision if it relates to an executive function and is likely:
 - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

Further guidance on Key Decisions is included in the Access to Information Rules which form part of this Constitution.

- The **Leader** is a councillor, not being the Mayor or Deputy Mayor, elected by the Council to the position of Leader of the Cabinet .
- The **Licensing Code of Practice** means the document which has been adopted by the London Borough of Brent to regulate the performance of its licensing function. The main objectives of the Code are to guide Members and officers of the Council in dealing with licensing related matters and to inform potential licensees and the public generally of the standards adopted by the Council in the exercise of its licensing powers.
- **Mayor** means a councillor, not being a member of the Cabinet-, elected by the Council at the Annual Meeting to the position of chair of the Council. –The Mayor, if present at a meeting of the Council, will preside and have a second or casting vote in the event of equality of votes on any question coming before a meeting of the full Council.

The Mayor of Brent Council is a symbol of the Authority and as such, the Mayor will normally carry out the ceremonial duties of the Council.

In addition to his or her roles and duties as a councillor, the Mayor will have the additional responsibilities set out in Article 5 of this Constitution.

- **Member** means a councillor generally or in relation to a committee or sub-committee a member of that committee or sub-committee.
- The **Members' Allowance Scheme** is contained in Part 8 of this Constitution and sets out the scheme under which councillors are entitled to receive allowances in respect of carrying out their duties as councillors and for fulfilling any special responsibilities allocated to them.
- The **Monitoring Officer** is the officer appointed by the Authority in accordance with section 5 of the Local Government and Housing Act 1989 to report to it on any proposal, decision or omission by the Authority or its committees or sub-committees or officers which has given, or may give rise, to a contravention of law or statutory code of practice or to such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974. The Monitoring Officer is the 'qualified person' for the purposes of determining whether disclosure of particular information under the Freedom of Information Act 2000 would be likely to prejudice the effective conduct of public affairs. In the London Borough of Brent the Monitoring Officer is the officer employed as the Chief Legal Officer-.
- **Operational Directors or Managers** are those officers who are directors or managers of the various service units which make up the service areas.
- An **Ordinary Meeting** is a meeting of Full Council which is not an Annual Meeting or an Extraordinary Meeting. These terms are separately defined. Ordinary meetings are for the transaction of the general business of the Council.
- A **Partnership Arrangement** is an arrangement between Brent Council and one or more other bodies or persons to achieve objectives of the Council and at least one of the other parties which involves one or more of the following:

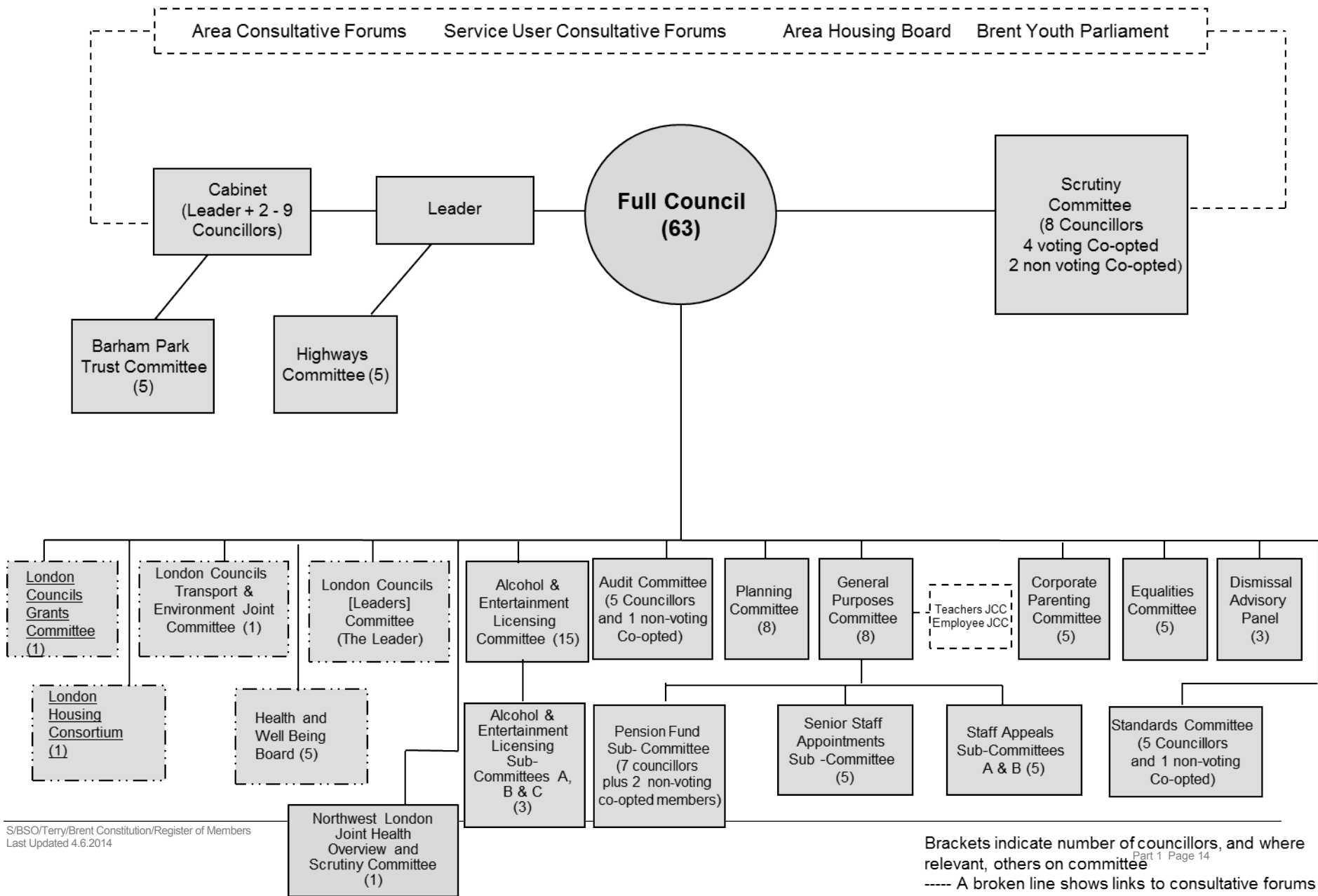
- sharing of risk in relation to the subject matter of the arrangement
- joint planning and decision-making such as joint commissioning
- joint delivery of services
- sharing of resources

but which is not a contract for the provision by one party to another of a supply, service or works in exchange for a fee or other consideration.

- The **Planning Code of Practice** means the document, which has been adopted by the London Borough of Brent to regulate the performance of its planning function. The major objectives of the Code are to guide members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers.
- The **Policy Framework** means the plans, policies and strategies set out in Table 3 of Part 4 of this Constitution.
- **Portfolio** refers to the key responsibilities or roles allocated to a Cabinet Member by the Leader.
- **Proper Officer** has a statutory definition in section 270(3) of the Local Government Act 1972 and means, in relation to any purpose, the officer appointed for that purpose by the Authority or for that area, as the case may be. A non-exclusive list of the Proper Officers can be found in Table 5 of Part 4 of this Constitution.
- A **Protocol** is a document forming part of the Constitution which sets out a guide to the way certain individuals and groups interact with each other. They are not rules but they do give guidance on how things should operate.
- The **Scrutiny Committee** is a committee established pursuant to section 9F of the Local Government Act 2000. The membership of the Committee reflects the political balance of the Council. The Committee has responsibility for strategic and cross-cutting issues by supporting the Cabinet in the development and review of policy and for examining the implementation of policy including:
 - (a) Overseeing the progress of policy implementation and scrutinising decisions made; and
 - (b) Calling in Cabinet decisions.
- The **Section 151 Officer** is the officer appointed in accordance with section 151 of the Local Government Act 1972 and who has responsibility for the administration of the financial affairs of the authority. [The Council has appointed In Brent this position is also known as the Chief Finance Officer as its Section 151 Officer.](#)
- The Council has three **Service Areas**. These are Children and Young People, Adults, and Regeneration and Growth.

- **Standing Orders** are rules which the Council has adopted to regulate its business and proceedings. There are also separate Standing Orders relating to the appointment and dismissal of staff and the process leading up to and the making of contracts. These are set out in Part 3 of this Constitution.
- **Strategic Directors** are directors of service departments within the Council. There are Strategic Directors of Adults; Children and Young People; Regeneration and Growth.
- A **Sub-Committee** is a group of members (including where appropriate co-opted members) appointed by a committee to take responsibility for one or more aspects of its functions or function.
- **Task Groups** are groups created to undertake time-limited and task focused reviews and to report back to the body that created them.

LONDON BOROUGH OF BRENT DECISION MAKING STRUCTURE CHART



Register of Members of the Brent Cabinet

Address for CabinetMembers

The address for all correspondence to the Cabinet members is Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.

Post Title	Name	Portfolio	Ward
Leader	Cllr Butt	Leader of the Council	Tokington
Deputy Leader	Cllr Pavey	Deputy Leader	Barnhill
Lead Member	Cllr Denselow	Stronger Communities	Queens Park
Lead Member	Cllr Hirani	Adults, Health and Wellbeing	Dudden Hill
Lead Member	Cllr Mashari	Employment and Skills	Welsh Harp
Lead Member	Cllr McLennan	Regeneration and Housing	Northwick Park
Lead Member	Cllr Moher	Children and Young People	Fryent
Lead Member	Cllr Grane Southwood	Environment	Fryent

Register of Members of the Highways Committee of the Cabinet

The members of the Highways Committee of the Cabinet are as follows:

Cllr Denselow
Cllr Mashari
Cllr McLennan
Cllr Moher
Cllr [Grane Southwood](#)

Register of members of the Barham Park Trust Committee of the Cabinet

The members of the Barham Park Trust Committee are as follows:

Cllr Denselow
Cllr Hirani
Cllr McLennan
Cllr Pavey
Cllr [Grane Southwood](#)

PART 2

ARTICLES

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ARTICLES

All or part of these Articles written in italics and marked with an asterisk cannot be suspended, or waived or may only be suspended or waived in limited ways. The intention is to give members guidance as to when to seek legal advice before moving suspension or waiver.

Article 1 - The Constitution

Type of Executive Arrangements

- 1.1 The Council is operating a Leader and Cabinet form of executive arrangements. The following parts of this Constitution constitute the executive arrangements of Brent Council:
- (a) Article 6 (Scrutiny Committee) and such part of the Standing Orders in Part 3 as relate to the Scrutiny Committee;
 - (b) Article 7 (The Cabinet-) and such part of the Standing Orders in Part 3 as relate to the Cabinet;
 - (c) Article 12 (Joint Arrangements);
 - (d) Article 14 (Decision making) and the Access to Information Rules as set out in Part 6;
 - (e) Part 4 (Responsibility for Functions).

Powers of the Council

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

The Constitution

- 1.3 This Constitution is the Constitution of the London Borough of Brent.

Purpose of the Constitution

- 1.4 The purpose of the Constitution is to:
- support the active involvement of citizens in the process of local authority decision-making;
 - help councillors represent their constituents more effectively;
 - enable decisions to be taken efficiently and effectively;
 - 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 of the Constitution

- 1.5 Where this Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- 1.6 The Mayor shall decide on the construction or application of this Constitution to any proceedings of Full Council subject to the procedure set out in Standing Order 4. The Chief Legal Officer shall decide in other cases.

Monitor and Review of the Constitution

- 1.7 The Monitoring Officer and the Audit Committee will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect and will make recommendations for changes as they consider appropriate.
- 1.8 In undertaking this task the Monitoring Officer may:
- (a) observe meetings of different parts of the councillor and officer structures;
 - (b) undertake an audit trail of a sample of decisions;
 - (c) record and analyse issues raised with him or her by councillors, officers, the public and other relevant stakeholders; and
 - (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Changes to the Constitution

1.9 Adoption:

The Constitution was first adopted by Full Council on 22 May 2002 and is reviewed and updated from time to time by Full Council.

1.10 Changes:

The Constitution may only be varied as set out in this Article.

- (a) This Constitution may be varied at a meeting of Full Council. Any variation shall come into effect at the close of the meeting of Full Council at which the variation was approved.
- (b) The Constitution may be varied by the Chief Legal Officer if in her reasonable opinion a variation is a minor variation (which includes legal, factual, administrative and other technical changes) or is required to be made to remove any other inconsistency or ambiguity or is required to be

made so as to comply with any statutory provision. Any such variation made by the Chief Legal Officer shall come into effect on the date specified by him or her but (other than in the case of minor variations) such variations shall be referred to Full Council for approval within a reasonable period and shall continue to have effect only if Full Council so agree.

- (c) Amendments to the Constitution made necessary by the Leader changing executive arrangements or the arrangements for the discharge of executive functions shall be made by the Chief Legal Officer upon the Leader having followed the notification and reporting processes set out in Article 7.

1.11 Suspension of Standing Orders

The Standing Orders may only be suspended or waived by Full Council and only where permitted by law to be so suspended or waived. Such suspensions shall apply only to that meeting or item of business as the case may be.

Change from a Leader and Cabinet form of Executive to another form of Executive or alternative arrangements:

- 1.12 The Council must take reasonable steps to consult with local electors and other interested persons in the Borough when drawing up proposals to change from a Leader and Cabinet form of Executive to any other form of Executive or to alternative arrangements. A referendum will be held if there is a proposal to move to an elected Mayor form of executive arrangements.

Publication

- 1.13 The Head of Executive and Member Services will:

- (a) inform each Councillor about how to inspect, or obtain, a copy of the Constitution;
- (b) ensure that copies of this Constitution are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee; and
- (c) ensure that the summary of this Constitution is made widely available within the area and is updated as necessary.

Responsibility for Functions

- 1.14 Part 4 sets out the allocation of functions between the Council and the Cabinet and their respective committees and sub-committees. It also describes the delegations of powers to officers and other bodies.

Article 2 – Members of The Council

Composition and Eligibility

- 2.1 **Composition:** The Council comprises 63 members, otherwise called councillors. Three councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission for England and approved by the Secretary of State.
- 2.2 **Eligibility:** Only registered voters of the Borough or those living or working in the Borough will be eligible to hold the office of councillor. There are other restrictions on who can hold office as a councillor including having attained the age of 18 at the date of nomination, citizenship and absence of any other disqualification.

Election and Term of Office of Councillors

- 2.3 The regular election of councillors will be held on the first Thursday in May every four years beginning in 2002. The term of office of councillors will start on the fourth day after being elected and will finish at the end of the third day after the date of the next regular election. The Leader remains in office until the day of the Annual Meeting after the next ordinary election.

Roles and Functions of all Councillors

- 2.4 All councillors will:
- collectively be the ultimate policy-makers;
 - represent their communities and bring their views into the Council's decision-making process;
 - be involved in decision-making;
 - be available to represent the Council on other bodies;
 - maintain the highest standards of conduct and ethics;
 - contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
 - effectively represent the interests of their ward and of individual constituents; and
 - respond to constituents' enquiries and representations, fairly and impartially.

Rights and Duties

- 2.5 (a) Councillors 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.
- (b) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to any other person unless lawfully required to do so.
- (c) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules.

Conduct

- 2.6 Councillors will at all times observe the Brent Members' Code of Conduct, the Planning Code of Practice, the Licensing Code of Practice, and any other relevant code of conduct or practice which may be adopted by the Council. They will also have regard to any relevant protocol adopted by the Council.

Allowances

- 2.7 Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme.

Other Members of Council Committees

- 2.8 Some Council Committees include members who are not councillors. These are the Standards Committee, the Scrutiny Committee, the Pension Fund Sub-Committee, the Audit Committee, the Health and Wellbeing Board, and the Dismissal Advisory Panel.
- 2.9 The Standards Committee and Audit Committee co-opted members are non voting.
- 2.10 The membership of the Scrutiny Committee includes four voting and two non-voting education co-opted members. More information regarding the role of the education co-opted members is contained in the Standing Orders and in Part 5 of this Constitution.
- 2.11 The membership of the Pension Fund Sub-Committee currently includes two non-voting co-optees: ~~a from the~~ College of North West London representative and a Council employee representative.
- 2.12 The Dismissal Advisory Panel comprises three Independent Persons appointed to deal with Member Code of Conduct complaints under the Localism Act 2011.
- 2.13 The Health and Wellbeing Board includes members who are not Councillors who are able to vote.

Register of Interests

- 2.13 The Monitoring Officer maintains a Register of Interests of councillors and voting co-opted members of the Authority pursuant to section 29 of the Localism Act 2011 which is available at the Council offices and published on the Council website.
- 2.14 All Councillors and voting co-opted members are required to complete a standard form listing their interests. The Register is updated by the Monitoring Officer, or such other officer nominated by him or her, upon notification by councillors and voting co-opted members of any changes.
- 2.15 The Register of Interests is available for inspection by the public at the offices of the Council at all reasonable hours and the electronic version of the Register is available on the Council's website.

Article 3 – Citizens and The Council

Citizens' Rights

3.1 Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 6 of this Constitution:

(a) **Voting and Petitions:**

Citizens on the electoral roll for the Borough have the right to vote in elections and to sign a petition including a petition requesting a referendum for an elected mayor.

(b) **Information:**

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed;
- (ii) attend meetings of the Cabinet and its committees when Key Decisions are being considered except where confidential or exempt information is likely to be disclosed;
- (iii) find out from the Forward Plan what Key Decisions will be taken by the Cabinet, its Highways Committee; the Barham Park Trust Committee and officers and when;
- (iv) see reports and background papers (except confidential or exempt information), and any records of decisions made by the Council and the Cabinet, their committees or officers; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation:**

Citizens may be invited to contribute to reviews conducted by the Scrutiny Committee.

(d) **Complaints:**

Citizens have the right to complain to:

- (i) the Council itself, under its complaints scheme;
- (ii) the Local Government Ombudsman, after using the Council's own complaints scheme; and
- (iii) the Monitoring Officer about a breach by any members or voting co-opted members of the Brent Members' Code of Conduct.

Citizens' Responsibilities

- 3.2 Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers. In the event of such conduct, citizens may be removed from Council premises and/or any meeting of the Authority they are attending.

Article 4 – Full Council

Introduction

Full Council will agree the Policy Framework and the Budget. Full Council is also required to determine certain other matters which, by law or this Constitution may only be determined by Full Council.

The Budget

4.1 The Council's budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, the council tax, a plan or strategy for the control of the Council's borrowing, investments, and/or capital expenditure and any virement limits.

Functions of the Full Council

4.2 There are certain functions that by law, or where there is a choice, by this Constitution, can only be exercised by the Full Council. A full list of these functions is contained in Table 6, of Part 4 of this Constitution. The functions which can only be exercised by Full Council include:

- (a) agreeing a resolution to operate executive arrangements;
- (b) approving or adopting the Policy Framework and the Budget;
- (c) agreeing any application to the Secretary of State in respect of any Housing Land Transfer;
- (d) appointing and dismissing the Leader;
- (e) agreeing and/or amending the terms of reference for committees of the Council and making appointments to them; and
- (f) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.

Housing Land Transfers

4.3 Housing Land Transfer means a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or a disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Council Meetings

4.4 There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings

More information about these meetings and the way they are conducted is set out in the Standing Orders.

Article 5 – The Mayor

Role and function of the Mayor

5.1 The Mayor is elected by other members of the Council at the Annual Meeting and the Deputy Mayor is chosen by the duly elected Mayor to act as his or her deputy. The Deputy Mayor will, generally, act in the absence of the Mayor.

5.2 The responsibilities of the Mayor include:

- to uphold and promote the purposes of the Constitution, and to interpret the application of the Constitution to Council meetings when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in the Cabinet are able to hold the Cabinet to account;
- to promote public involvement in the Council's activities;
- to attend such civic and ceremonial functions as the Council as he or she determines is appropriate; and
- to present the Community Champion Awards at the Annual Meeting.

Article 6 – The Scrutiny Committee

Introduction

- 6.1 Effective, independent and rigorous examination of the proposals and decisions made by the Cabinet are a significant feature of the Council's arrangements and provide a key role for non-executive members. Overview and scrutiny is the mechanism for holding Cabinet publicly to account. This function gives non-cabinet members a significant opportunity to contribute to the proposals of the Cabinet, for example concerning the budget, as well as contributing to development of policy, reviewing the impact of policy decisions on the Borough and reviewing the quality of service performance. The Council has established a Scrutiny committee. The Scrutiny Committee will establish an annual work plan which identifies areas suitable for review and scrutiny and will establish commissions and or panels to undertake specific time limited work. The Scrutiny Committee will meet at regular intervals throughout the municipal year and will meet as and when required in relation to any Call in.
- 6.2 The Scrutiny Committee shall comprise 8 members of the Council who shall not be members of the Cabinet, and 4 voting co-opted members and 2 non-voting co-opted members appointed in accordance with Standing Order 54. Members, chairs and vice chairs of the committee will be appointed by Full Council.

Annual Report and Work Programme

- 6.3 The Scrutiny Committee will be responsible for developing and agreeing its own work programme and for appointing panels and commissions to undertake specific areas of work which will then report back to the Scrutiny Committee.
- 6.4 An annual report on the activities of the Scrutiny Committee will be produced and published.
- 6.5 More information about the membership of the Scrutiny Committee is contained in Part 5 of this Constitution.

General Role

- 6.6 Within its terms of reference, the committee will:
- (a) make reports and/or recommendations to Full Council and/or the Cabinet, and/or partners as appropriate, in connection with the discharge of any relevant functions of the Council or partner organisations;

- (b) make reports and/or recommendations to Full Council and/or the Cabinet, as appropriate, on matters which affect the Council's area or its inhabitants; and
- (c) review and/or scrutinise decisions made, or actions taken, in connection with the discharge of any of the functions of the Cabinet or the Council and it will exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.

Terms of Reference

6.7 The Scrutiny Committee shall carry out the functions specified in Part 5 of, and elsewhere in, the Constitution but subject to the limitations and exceptions specified therein and may not discharge any other functions. The terms of reference for the committee are set out in Part 5 of this Constitution.

Proceedings of the Scrutiny Committee

6.8 The Scrutiny Committee will conduct its proceedings in accordance with Standing Orders and the Access to Information Rules.

6.9 If the Scrutiny Committee intends to receive a report back from a task group of the committee a Cabinet member will be allowed to address it at the meeting that receives the report and the time allowed for this will be determined by the Chair acting reasonably.

Members' Rights to Request Scrutiny

6.10 Any member of the Scrutiny Committee may, by giving written notice to the Head of Executive and Member Services, request that any matter which is relevant to the functions of the committee as the case may be is included in the agenda for, and is discussed at, a meeting of the committee such notice to be given at least 21 days prior to the date of the meeting at which the member wishes to raise the said matter.*

Councillor Call for Action

6.11 Any member of the council may, by giving written notice to the Head of Executive and Member Services, request that any matter (which is not an excluded matter under ~~the~~ Local Government Act 2000) which is relevant to the functions of the Scrutiny Committee be included in the agenda for, and be discussed at, a meeting of the committee.

6.12 Any member of the council may, by giving written notice to the Head of Executive and Member Services,, request that a local crime and disorder matter (as defined by the Police and Justice Act 2006) be included in the agenda for, and be discussed at, a meeting of the Scrutiny Committee.

6.13 Prior to referring a local government or local crime and disorder matter to overview and scrutiny a member should refer to the Council's Councillor Call for Action protocol which provides further information about the Call for Action process.

Northwest London Joint Health Overview and Scrutiny Committee

7.1 In addition to the Council's Scrutiny Committee, the Council has membership on the Northwest London Joint Health Overview and Scrutiny Committee. The membership and terms of reference are set out in Part 5 of the Constitution.

Article 7 – The Cabinet

Role

- 7.1 The Cabinet is the main decision making body of the Council, responsible for ensuring the implementation of the council's budgetary and policy frameworks.

Form and composition

- 7.2 The Cabinet will consist of the Leader, with such other number of councillors (being not less than 2 or more than 9) as the Leader may appoint.

The Leader

- 7.3 The Leader will be a councillor elected to the position of Leader by Full Council at the first post election annual meeting held after the ordinary elections. If the Council fails to elect a Leader at that Annual Meeting then it shall elect a Leader at a subsequent meeting of the Council.

- 7.4 The Leader will hold office as Leader from the day of his election as Leader until the day of the post election Annual Meeting of the Council which is held after the ordinary local elections, which follow his/her election as Leader, unless he/she is removed from office in accordance with paragraph 7.7 .

- 7.5 The office of Leader continues to the post election annual meeting of the Council as in paragraph 7.4 above, whether or not the Leader is re elected as a Councillor to this authority.

- 7.6 The office of Leader becomes vacant if:

- (a) he/she resigns from the office; or
- (b) ~~he/she is suspended from being from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension) or~~ he/she is disqualified from being a councillor by a court under section 34(4) of the Localism Act 2011; or
- (c) he /she ceases to be a councillor (-save for the circumstances in paragraph 7.5)

Removal of the Leader - Vote of No Confidence

- 7.7 The Leader shall cease to hold office following a vote of no confidence in him/her proposed and voted upon in accordance with Standing Orders.

Other Cabinet Members

- 7.8 The Leader will appoint between two and nine members to the Cabinet and shall notify the Head of Executive and Member Services of those appointments.

- 7.9 The Mayor and Deputy Mayor cannot be appointed to the Cabinet.

- 7.10 A Cabinet member shall hold office until

- a) he/she resigns from office
- b) he/she is ~~suspended from being from being a councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of~~

- ~~the period of suspension) or they are~~ disqualified from being a councillor by a court under section 34(4) of the Localism Act 2011; or
- c) he/she ceases to be a councillor
 - d) he/she is removed from office by the Leader

Portfolios of Cabinet Members

- 7.11 Portfolio responsibilities of the Cabinet members are determined by the Leader. These portfolios provide the members of the Cabinet with responsibility for setting the direction and being accountable for the operation of the services or functions comprised within their respective portfolios. The Leader agrees to provide details of the portfolios allocated to the Cabinet members to the Head of Executive and Member Services and those details shall be provided to Full Council.

The Deputy Leader

- 7.12 The Leader shall appoint one of the members of the Cabinet to be Deputy Leader.
- 7.13 The Deputy Leader shall hold office until the end of the term of office of the Leader unless
- (a) he/she resigns as Deputy Leader, or
 - (b) he/she ~~is suspended from being from being a councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension) or they are~~ is disqualified from being a councillor by a court under section 34(4) of the Localism Act 2011; or
 - (c) he/she ceases to be a councillor of the authority
 - (d) the Leader removes the Deputy Leader from office
 - (e) until the Annual Meeting following his/her appointment as Deputy Leader
- 7.14 Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place.
- 7.15 If, for any reason, the Leader is unable to act or the office of Leader is vacant as in paragraph 7.6, the Deputy Leader must act in his/her place.

Appointments by the Leader

- 7.16 The Leader has agreed that appointments to and/or removal of members of the Cabinet and the appointment and or removal of Deputy Leader shall only be effective upon receipt of written notice to that effect by the Head of Executive and Member Services

Other Vacancies in the Cabinet

- 7.17 If the Leader is unable to act, or the office is vacant, and also the Deputy Leader is unable to act, or the office is vacant, all responsibilities of the Cabinet shall be carried out by the Cabinet collectively.
- 7.18 If at any time a Cabinet member other than the Leader or Deputy Leader ceases to be a member of the Cabinet, the responsibilities of that member shall revert to the Leader until such time as the Leader shall have appointed a replacement, or, where appropriate, re-appointed the member concerned.

- 7.19 In the event of there being no Leader or Deputy Leader appointed and an insufficient number of members of the Cabinet appointed to achieve a quorum, all executive functions shall in the interim be carried out by the Chief Executive.
- 7.20 The responsibilities and powers of the Deputy Leader may not be carried out by any other member of the Cabinet in his/her absence, or if the post is vacant.

Proceedings of the Cabinet

- 7.21 Proceedings of the Cabinet take place in accordance with Standing Orders, where applicable. The Cabinet's decision-making meetings are held in public except where confidential or exempt information would be discussed.

Responsibility for the discharge of executive functions

- 7.22 Executive functions may be exercised by the Leader, or the Leader may delegate those functions to the Cabinet as a whole, a committee of the Cabinet, a joint committee, another Local Authority, an individual Cabinet member, or officers. The Cabinet may arrange for executive functions delegated to it to be carried out by a committee of the Cabinet, a joint committee, another Local Authority, an individual Cabinet member or an officer.
- 7.23 The Leader has agreed to delegate all executive functions to the Cabinet except those which he/she has delegated to the Highways Committee or officers as set out in Part 4.
- 7.24 The Monitoring Officer shall maintain a list as set out in the Constitution of the committees of the Cabinet, officers or joint arrangements, which are responsible for the exercise of particular executive functions as delegated to them by the Leader. This is contained in Part 4 of the Constitution.
- 7.25 The Leader may change the arrangements for the discharge of executive functions. The Leader has agreed that such changes shall only be made on written notice to the Chief Legal Officer or Full Council and that such notified changes shall only be effective from that date.

Cabinet Committees

- 7.26 The Leader has established a Highways Committee. The Leader has agreed to delegate such functions to the Highways Committee as are set out in the Constitution in Part 4 (Terms of Reference). As the Highways Committee is exercising executive functions it is bound by the same procedural rules as the Cabinet as set out in Parts 3, 4 and 6 of this Constitution.
- 7.27 The Cabinet has established a sub-eCCommittee; the Barham Park Trust Committee, to decide matters relating to the Trust. The Cabinet has agreed to delegate such functions to the Barham Park Trust Committee as are set out in the Constitution in Part 4 (Terms of Reference).

Article 8 – Regulatory and Other Committees

Other Committees and Sub-Committees

8.1 As well as the Scrutiny Committee, the Council has appointed the following committees:

- Health and Wellbeing Board
- Standards Committee
- Audit Committee
- Corporate Parenting Committee
- General Purposes Committee
- Planning Committee
- Alcohol and Entertainment Licensing Committee
- Equalities Committee
- Dismissal Advisory Panel

8.2 The General Purposes Committee has appointed the following sub-committees:

- Senior Appointments Sub-Committee
- Staff Appeals Sub-Committee A & B
- Pension Fund Sub-Committee

8.3 The Alcohol and Entertainment Licensing Committee has appointed 3 Sub-Committees known as the Alcohol and Entertainment Licensing Sub-Committees A, B and C.

Terms of Reference

8.4 The terms of reference for these committees and sub-committees are contained in Part 5 of this Constitution. This also sets out information about the quorum for meetings and the membership.

Statement of Purpose of the Audit Committee

8.5 The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment and to oversee the financial reporting process.

Article 9 – The Standards Committee

Standards Committee

9.1 The Council has established a Standards Committee.

Membership

9.2 The members of the Standards Committee are:

- five councillors (but not more than 1 member of the Executive), other than the Leader; and
- one non-voting co-opted member.;

Role and Function

9.3 In summary, the function of the Standards Committee is to promote and maintain high standards of conduct by councillors and co-opted members and hear allegations of misconduct against members.

9.4 The terms of reference of the Standards Committee are set out in Part 5 of this Constitution.

Article 10 – Brent Connects Forums

The consultative forums described in this Article are –part of the Brent Connects programme. They have no formal decision making structure and ~~and~~ have no decision-making powers. They are however a central part of the council's approach to consultation and engagement. Five forums cover specific geographic areas and a further five cover service users or specific interest groups. Representations and recommendations may be made by these forums to a committee or sub-committee of the council or to the executive or to officers. The chairs of the Brent Connects forums shall be appointed by full council.

BRENT CONNECTS AREA CONSULTATIVE FORUMS

10.1 The Council is committed to involving the community through effective consultation and two-way communication.

10.2 The Council recognises that meaningful participation can only take place:

- in an environment where people are better informed about local services;
- where community spirit is fostered so that people care enough to want to take part, and are encouraged to do so; and
- where council decisions can be seen to reflect the views and concerns of local residents.

10.3 Area consultative forums provide an important opportunity for members of the public to access, participate in and influence the council's decision-making process and those of the Council's partner organisations. Consultation, participation and community engagement have become increasingly important for all organisations and are at the heart of central government policy to improve and modernise local services.

Consultative forums are central to Brent Council's response to these issues.

10.4 Five area consultative forums were set up in 1997 to give local people a say about the issues which matter to them. These forums are public events, meeting four times per year. At each meeting local people are able to ask questions and comment on services provided by both the Council and partner agencies in Brent.

10.5 Chaired by a local councillor and assisted by a lead manager, each area forum meeting is open to the public, and is always held during a weekday evening in an accessible venue central to the community.

10.6 Agendas are determined prior to each forum meeting. Local people, the forum chair and lead manager, other local councillors, partner organisations and council officers are all invited to participate in the agenda setting process. The agenda setting process is coordinated by officers from the Council's consultation team and the draft agenda is published on the Council's internet pages.

10.7 At each meeting local people have the chance to listen to and question the Council and partner agencies such as the police and health authority about services they provide. There is also a 'soapbox slot' for residents to express their views and concerns on an issue of their choice. The five area consultative forums are listed below and each is made up of the electoral wards as shown:

Brent Connects Harlesden	Brent Connects Kilburn & Kensal	Brent Connects Kingsbury & Kenton	Brent Connects Willesden	Brent Connects Wembley
Harlesden Stonebridge Kensal Green	Brondesbury Park Kilburn Mapesbury Queen's Park	Barnhill Fryent Kenton Queensbury	Dollis Hill Dudden Hill Welsh Harp Willesden Green	Alperton Northwick Park Preston Sudbury Tokyngton Wembley Central

10.8 The ward boundaries delineate the area covered by that particular forum although residents may choose to attend a forum other than that in which they live.

10.9 The area consultative forums will be supported by officers from the council's consultation team, the forum lead manager and officers from other council service areas as appropriate.

Functions of Brent Connects Area Consultative Forums

- 10.10 (a) To consider and comment on Brent Council services, policies and practices, and those of its partners in the Brent area, and to influence practices and policies which determine the provision of council services by submitting reports on views expressed and issues raised at forum meetings to the appropriate lead officer, the Cabinet or a member of the cabinet and/or the Scrutiny Committee or other council committees, or full council.
- (b) To provide information to the community about the services, policies and the practices of Brent Council and other partner organisations in Brent.
- (c) To seek out the opinions and views of the community with regard to needs and aspirations for the area, sharing council draft reports and budget plans as appropriate and relay them to council decision making bodies.
- (d) To develop and support partnership and inter-organisational discussion, consultation and participation between the statutory and voluntary sectors and business, in relation to local issues.
- (e) To consider and participate in arrangements for public consultation regarding council services and policies which directly or indirectly affect the area, and/or those requiring 'local consultation'.
- (f) To consider all matters of relevance and/or interest to residents of the area including any related to the activities of other organisations. Area consultative forums shall not however discuss individual or personal cases relating to the authority's regulatory functions, planning, licensing etc., with the exception of major developments, significant planning applications, environmental improvements and traffic management issues.

- (g) To request the attendance of members of the executive, other members, council officers and representatives of other partner organisations to listen to residents' concerns and/or report on matters of local interest.
- (h) Notwithstanding the above, the Brent Connects area consultative forums are consultative only and have no formal decision making powers within the Council's formal decision making processes.

Structure and Membership Brent Connects of area consultative forums

10.11 Each Brent Connects area consultative forum:

- (a) shall meet at least four times per year. Notwithstanding, a forum may meet more than four times per year, subject to identifying suitable funding, as appropriate.
- (b) will be chaired by a councillor appointed by the Council and supported by a councillor in the role of vice-chair, also appointed by the Council.
- (c) has an appointed lead manager. Lead managers are council officers appointed as 'community champions' because of their close professional and personal links with the forum area they serve.
- (d) will be open to attendance by residents, councillors and council officers, local businesses and traders, representatives of community groups and associations, voluntary and other public and statutory/partner organisations, and other relevant outside agencies.

Talkback - AREA HOUSING BOARD FORUM

Area Housing Board Forum Structure

10.12 The Council's Area Housing Board Forum, *Talkback*, has been established with the aims and roles set out below.

Areas covered

10.13 The boundaries of the Council's Area Housing Board Forum, *Talkback*, will be those of the landlord service area.

Aims of the Forum

- 10.14
- (a) To involve customers in the provision of housing services.
 - (b) To monitor the performance of housing management and contractors of the housing management service and other parts of the housing services.
 - (c) To develop new ideas and methods for solving Council housing problems.
 - (d) To influence practices and policies that determines the provision of housing services.
 - (e) To influence practices and policies that determine the provision of housing services.

- (f) To advise the housing management service on local priorities for the provision of housing services and the allocation of resources.
- (g) To advise the housing management service in the development of an area strategy/business strategy.
- (h) To liaise with other groups and organisations.

Membership of the Forum

- 10.15 Membership of the Council's Area Housing Board Forum, *Talkback*, will be open to all residents in tenant and leasehold properties that are managed on behalf of the Council by the housing management service.
- 10.16 There will be no voting rights for any attendees at the Council's Area Housing Board Forum.
- 10.17 Members of the Council will be eligible to attend meetings of the Area Housing Board Forum.

Meetings of the Forum

- 10.18 (a) Meetings of the Council's Area Housing Board Forum, *Talkback*, will be open to the public and to the press, and at the discretion of the person facilitating/co-ordinating/chairing the meetings, any person may speak.
- (b) The Council's Area Housing Board Forum shall meet at least four times a year and once in every quarter and the meetings will be held on a rotational basis in the following geographical areas: Wembley; East Brent (formerly North Kilburn); South Kilburn; and Harlesden, Brentfield and St Raphaels.
- (c) There will be no formal chair or quorum requirements or restrictions.
- (d) In June each year, one representative from each registered tenants' and residents' association may be put forward to join a forum organising team to seek advise on the composition of agendas, the format of the Council's Area Housing Board Forum meetings and shaping outcomes from sessions of the Forum. This Forum organising team will meet at least eight times a year.
- (e) Meetings shall be conducted in accordance with any rules agreed in respect of the conduct of those meetings.

Paragraph numbers 10.19 and 10.20 are not used.

BRENT CONNECTS SERVICE USER FORA

10.21 The Council has established the following Service User Fora with the aims and roles set out below:

- Brent Connects Disability Forum
- Brent Connects Private Sector Housing Forum

- Brent Connects Pensioners Forum
- Brent Connects Voluntary Sector Liaison Forum
- Brent Connects Equality Forum

Brent Connects - Disability Forum

- 10.22 (a) To provide the focal point for disabled people and mental health service users, their carers, advocates, service providers, advisors, officers, Council members and representatives from voluntary organisations and community groups to meet together on a quarterly basis to exchange views and to learn from each others experiences.
- (b) To consider all aspects of the Council's policies as they relate to the needs of disabled people and mental health service users and their carers living in Brent.
- (c) To influence members to make the best and most efficient use of resources available in the borough for disabled people and mental health service users within the framework of Best Value.
- (d) To ensure that the Council is aware of current and forthcoming legislation and the demands and expectations of disabled people and mental health service users who live and/or work within the borough.
- (e) To be a formal point of consultation for the Council on services provided for disabled people and mental health service users.
- (f) To encourage and identify opportunities for the Council to work in partnership with other agencies and voluntary groups on issues relating to disabled people and mental health service users.
- (g) To be empowered to make formal representations through the Council's decision-making structure on matters relating to disabled people and mental health service users.
- (h) To ensure suggestions and recommendations agreed are incorporated as part of the Council's annual service planning process.
- (i) Where necessary, the Forum to request reports from officers on matters relating to disability and mental health services.
- (j) To identify and manage differences between disabled people, their carers and other agencies.
- (k) The Council will be encouraged to utilise the forum to keep disabled people and mental health service users informed of current and forthcoming policies, practices and procedures that may affect them.
- (l) To acknowledge and campaign for equal access to service provision for those people who have disability and mental health support needs.

Brent Connects - Private Sector Housing Forum

- 10.23 To raise and/or respond to issues and concerns and to make representations and recommendations to the Cabinet and relevant Council Committees or Sub-Committees (including Scrutiny) concerning:

- (a) the development of policies and procedures in consultation with users which promote and support the availability of good quality owner occupied in rented accommodation in the private sector;
- (b) topics of general interest on private sector housing;
- (c) performance of services offered to elderly and disabled people; and
- (d) any other matters affecting residents and stakeholders involved in the provision of residential accommodation in the private sector in the borough.

Brent Connects - Pensioners Forum

- 10.24
- (a) To ensure that the Council is aware of the policies and aspirations of older people within the borough.
 - (b) To consider at a draft stage all aspects of Council policy as it relates to the needs of older people.
 - (c) To encourage the Council to make the best and most efficient use of resources available in the borough for older people and to publicise them to the residents of Brent.
 - (d) To be a formal point of consultation for the Council on services provided for older people.
 - (e) To encourage and identify opportunities for the Council to work in partnership with other agencies and voluntary groups on issues relating to older people.
 - (f) To raise and/or respond to issues and concerns and to make representations and recommendations to the Cabinet and relevant Council committees or sub-committees (including Scrutiny) concerning matters relating to older people.

Brent Connects Voluntary Sector Liaison Forum

- 10.25
- (a) To provide a vehicle for effective voluntary sector input into Council policy development and to promote more active partnership working between the Council and the local voluntary sector.
 - (b) To oversee the ongoing development, implementation and review of Brent Council's Voluntary Sector Strategy.
 - (c) To maintain a strategic overview of voluntary and statutory service provision in Brent, including the identification of gaps and overlaps in service provision.
 - (d) To consider Council policy and practice as it relates to voluntary sector issues.
 - (e) To provide advice to the Council on possible areas of grant funding priority and consider how these reflect the Council's overall strategic aims and objectives.

- (f) To consider and promote mechanisms through which the voluntary sector can become more effectively involved in regeneration within Brent.

Brent Connects - Equality Forum

- 10.26 (a) To focus on partnership working and building resilience within Brent's underrepresented and vulnerable communities, with the aim of reducing inequality.
- (b) To actively support the progress, achievement and development of initiatives to ensure that residents have equal access to services, resources and amenities.
- (c) To help the authority to develop strategies that contribute to reducing inequality across the borough and across all 9 protected characteristics.
- (d) To empower communities with knowledge and confidence to build capacity and reduce inequality.
- (e) To focus on partnership working and knowledge sharing with underrepresented communities and vulnerable groups, with the aim of building resilience reducing inequality.
- (f) ~~Is an open form~~ open to any member of the public.
- (g) Will meet quarterly – meeting dates to be set annually as part of the Brent Council's Committee calendar.
- (h) Will be chaired by an elected Brent Council member appointed annually by full council.
- (i) The Equality Forum will be supported by officers from the Council's Diversity Team.
- (j) The Diversity Team will publicise and develop contacts to encourage participation from officers, members, the community and Brent's voluntary and Private sectors.
- (k) Officers to engage across the community to try to ensure representation across all 9 characteristics protected under the Equality Act 2010

YOUTH PARLIAMENT

10.27 The Council has established a Youth Parliament to give children and young people a genuine voice in the affairs of the Borough, and to implement the Council's obligations under the Children Act 2004.

The terms of reference of the Youth Parliament are:

- (a) To discuss and debate issues that affect children and young people and explore potential solutions within the context of formal and informal meetings.
- (b) To represent these views and receive responses from the Council's Cabinet, Scrutiny and Children & Young People's Strategic Partnership Board.

- (c) To evaluate the performance of service provision, recommending areas for improvement in the context of the Children and Young People's Plan.
- (d) To plan two consultation events per annum for children and young people to raise awareness of issues as agreed by the Youth Parliament.
- (e) To ensure that decisions taken as a result of young people's participation are fed back to young people through a variety of methods e.g. visits to schools, newsletters and websites.
- (f) Develop a training programme and materials for Youth Parliament members to enable effective participation.
- (g) To monitor progress towards implementation of the Hear by Rights standards across Council departments and other partner agencies represented on the Children & Young People's Strategic Partnership Board.
- (h) To consider possible options for the distribution of the Youth Opportunities Fund.

10.28 Members of the Youth Parliament will be chosen as follows:

- (a) 10 members from locality based youth groups,
- (b) 24 members from school councils,
- (c) 19 members from target and community groups, ~~and~~.
- (d) 2 councillors appointed by Full Council.

10.29 One member of the Youth Parliament together with one member of the Council will act as Co-Chairs. One further member of the Youth Parliament together with one further member of the Council will act as Co-Vice Chairs.

STAFF FORA

10.30 The Council has established an Employee Joint Consultative Committee and a Teachers' Joint Consultative Committee with the aims and roles set out below.

Employee Joint Consultative Committee

Constitution and functions

10.31 Functions and terms of reference:

- (a) Consultation on employment and related issues concerning all staff groups, except Chief Officers and teachers.
- (b) Consideration of issues, which have been previously raised with management and are considered to be unresolved.
- (c) Specifically excluded are issues which relate to individual employees (or former employees), although wider issues arising from cases can be raised.
- (d) Matters relating to collective disputes will not fall within the remit of the EJCC but will be dealt with under the Council's Collective Grievance and Disputes Procedure.

Representation

10.32 Membership of the EJCC shall comprise:

- (a) The Employers' Side: 8 Members of the Council of the London Borough of Brent who shall be appointed by the Council at the Annual Meeting.
- (b) The Employees' Side: 8 trade union representatives whose conditions of services are governed by the NJC for Local Government Employees and who shall be current employees of the Council.

10.33 The representatives shall be appointed by the trade union branches for the London Borough of Brent. The representatives of the employees shall retain their membership for one year, provided they remain in employment with the Council.

10.34 If a vacancy occurs a successor will be appointed within a reasonable period from the date of the vacancy.

Election of Chair and Vice-Chair

10.35 Each side will appoint a Chair. The Employers' Side will take the Chair the first year with the Vice-Chair coming from the Employees' Side. The positions will alternate in successive years.

Preparation of the agenda

- 10.36 (a) The agenda is to be prepared by the Employers' Side Secretary, in consultation with the Employees' Side Secretary.
- (b) No item other than those appearing on the Agenda is permitted to be transacted at the EJCC meetings unless both sides agree to its introduction.

Quorum

10.37 The quorum of the EJCC shall be 4 members of each side.

Urgent or 'specific issues' meetings of the EJCC

10.38 An emergency meeting may be called where agreed by the Chair and Vice-Chair that there is an urgent matter which cannot be resolved without the Committee's intervention or await the next scheduled meeting. This will be subject to 7 working days notice in writing by the Employee Side Secretary to the Operational Director, Human Resources such notice to set out the items for discussion at that meeting.

Decisions

10.39 Decisions will be arrived at by majority voting of both the Employers' Side and the Employees' Side.

Reporting links in the Council structure

10.40 Following the approval of the minutes of the EJCC by the Chair, these shall be submitted to the General Purposes Committee for noting.

Teachers' Joint Consultative Committee

10.41 (a) The Teachers' JCC shall comprise members of the Council appointed by the Full Council and the 13 Members of the Teacher's Panel

(b) The Teachers' Panel of the Teachers' Joint Consultative Committee shall be constituted as follows:

NUT	7
ATL	1
ASCL	1
NASUWT	2
NAHT	1
UCU	1

and election to the Panel shall be held internally by each organisation by March 31st each year. Vacancies occurring during the period of office shall be filled by the organisation which nominated the retiring member. All members of the panel must be employed as teachers in maintained schools or in the adult education service in the Borough of Brent.

(c) The Consultative Committee shall meet as and when required and shall, at its first meeting of each new council year, elect a Chair and Vice Chair. If the Chair appointed is a member of the Council, then the Vice Chair shall be appointed from the teachers' representatives and vice versa.

(d) Terms of Reference: To consult with teachers' organisation representatives in nursery, primary, secondary and special schools and in the adult education service on pay, terms and conditions.

LINKING THE CONSULTATIVE FORUMS TO THE COUNCIL AND TRACKING RECOMMENDATIONS AND REPRESENTATIONS

10.42 (a) If the Cabinet, Full Council, the Scrutiny Committee or a responsible officer wishes to consult a consultative forum in respect of any matter for which they are responsible they shall notify the relevant Lead Manager of their wish for this item to be placed on the agenda of the relevant forum. Any representations or recommendations of the relevant forum in response to the consultation shall be reported to the person or body raising the matter.

(b) If a consultative forum wishes to make representations or recommendations in respect of an item in the Forward Plan which it has not been, and is not planned to be, specifically consulted by the decision maker identified in the plan ("the decision maker"), any representations or recommendations agreed at a meeting of the relevant forum shall be submitted to the decision maker in writing.

(c) If a consultative forum wishes to make representations or recommendations in respect of an item not in the Forward Plan and which it has not been, and is not planned to be, specifically consulted by any part of the Council, any representations or recommendations agreed at a meeting of the relevant forum shall be submitted to Scrutiny Committee.

(d) If, at a meeting of a service user consultative forum or an area consultative forum a question or issue is raised which, in the view of the Chair or Lead

Manager, should be referred to an officer to be responded to the question or issue shall be so referred.

- (e) The response of the person or body to whom any representation or recommendation from a forum is referred shall be reported back to the forum following its consideration by that person or body.
- (f) A note summarising the discussion and outcome of each meeting shall be provided to the Lead Member for Human Resources & Diversity, Local Democracy and Consultation.
- (g) The Chair or any other person representing a relevant consultative forum may address a meeting of the Scrutiny Committee in accordance with Standing Order 60(e).

Article 11 – Other Bodies and Panels

Introduction

11.1 There are a number of panels or bodies other than those specifically mentioned elsewhere in these Articles which have links to the Council.

- Adoption and Permanency Panel
- Fostering Panel
- Local Safeguarding Children Board
- Independent Review Panel
- Independent Admission Appeals Panel
- Trading Standards Joint Advisory Board
- Schools Forum
- Admissions Forum
- Brent Housing Partnership
- Local Safeguarding Adults Board
-
- Old Oak and Park Royal Development Corporation
- Pension Board

Adoption and Permanency Panel

- 11.2 (a) The Adoption and Permanency Panel (“the Panel”) fulfils the role of the statutory Adoption Panel required by the Adoption Agencies Regulations 2005 (as amended by the Adoption Agency and Independent Review of Determinations (Amendment) Regulations 2011 and the Adoption Agencies (Panel and Consequential Amendments) Regulations 2012.
- (b) The purpose of the Panel is to make recommendations to the Operational Director Children’s Social Care as to:
- (i) Whether or not a relinquished child should be placed for adoption in accordance with Regulation 18 of the 2005 Regulations.
 - (ii) whether any advice should be given to the agency in terms of the matters which fall to be considered under Regulation 18(3) (subject to the amendments by 2012 Regulations)
 - (iii) suitability of prospective adopters to adopt in accordance with the terms of Regulation 26 of the Regulations
 - (iv) whether any advice should be given to the adoption agency in respect of the number of children the prospective adopter may be suitable to adopt, their age range, sex, likely needs and background in accordance with Regulation 26(3)
 - (v) whether the child should be placed for adoption with particular prospective adopters in accordance with Regulation 32 of the Regulations

- (vi) whether any advice should be given to the adoption agency in respect of the provision of support services, the plan for contact and the exercise of parental responsibility in accordance with Regulation 32(4)
 - (vii) any other matter that it is required by law to consider.
- (c) Where recommendations are made in respect of an adoption with a foreign element then the Panel recommendations must take into account any modifications made to the Regulations by The Adoptions with a Foreign Element Regulations 2005(as amended by the adoptions with a foreign element (amendment) regulations 2009 and the 2012 Regulations).
- (d) The Council must maintain a list of persons who are considered by it to be suitable to be members of an adoption panel (“the Central List”), including-
- (i) one or more social workers who have at least three years' relevant post-qualifying experience, and
 - (ii) the medical adviser to the adoption agency (or at least one if more than one medical adviser is appointed).
- (e) The Operational Director Children’s Social Care will appoint officers and other persons to the Central List and appoint members from that list to the Panel. Full Council or the General Purposes Committee will appoint elected members to be included in the Central List and appoint elected members to the Panel.
- (f) The Operational Director Children’s Social Care must appoint a Chair who is an independent person and who has the necessary skills and experience to chair an adoption panel and who is not a disqualified person under the Regulations.
- (g) The Operational Director Children’s Social Care must also appoint a vice-chair to act in the Chair’s absence
- (h) A person included on the Central List and or appointed to the Panel may at any time ask to be removed from the Central List or Panel by giving one month’s notice in writing to the Council.
- (i) In accordance with the provisions of the Regulations, a list/panel member’s tenure may be brought to an end by the Council.
- (j) The Panel may not conduct its business unless its meeting includes the chair or vice-chair, at least one of the social workers, three other members, and where the Chair is not present and the vice chair is not an independent person, at least one other independent panel member.
- (k) The panel also carries out functions under the Fostering Regulations 2011 and will consider the following:
- (i) whether a prospective long term fosterer is suitable to be a long term fosterer;

- (ii) whether a prospective long term fosterer is suitable to be a long term foster carer of a particular child;

Fostering Panel

- 11.3 (a) The functions of the Fostering Panel are to consider issues relating to the fostering of children generally and specifically;
- to consider each application for approval and to recommend to the appropriate officer whether or not a person is suitable to act as a foster parent;
 - where it recommends approval of an application, to recommend the terms on which the approval is to be given;
 - to recommend whether or not a person remains suitable to act as a foster parent and whether or not the terms of his or her approval remain appropriate;
 - to advise on the procedures under which reviews are carried out by the Council and periodically monitor their effectiveness; oversee the conduct of assessments carried out by the fostering service provider; and
 - give advice and make recommendations on such other matters or cases as the fostering service provider may refer to it.
- (b) The Operational Director Children's Social Care must maintain a list of persons who are considered by it to be suitable to be members of a Fostering Panel ("the central list"), including one or more social workers who have at least three years' relevant post-qualifying experience. Full Council or the General Purposes Committee will appoint elected members to be included in the Central List and appoint elected members to the Panel.
- (c) The Operational Director Children's Social Care must appoint an Independent Chair and a Vice Chair.
- (d) To be quorate the Fostering Panel must include an Independent Chair or a Vice Chair, a social worker and three other members. Where the Chair is not present and the Vice Chair is not independent of the Council at least one other Panel member must be independent.

Local Safeguarding Children Board

- 11.4 (a) The Children Act 2004 requires each Local Authority to establish a Local Safeguarding Children Board, to be made up of representatives from the agencies and bodies which have regular contact with children or responsibilities for services to them in the local area.
- (b) The Brent Local Safeguarding Children Board will be the key statutory mechanism for agreeing how the relevant organisations in the London Borough of Brent will co-operate to safeguard and promote the welfare of children in the area, and for ensuring the effectiveness of what the agencies do.

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- (c) Objectives of the Board:
- (i) To co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the London Borough of Brent; and
 - (ii) To ensure the effectiveness of what is done by each such person or body for those purposes.
- (d) Terms of Reference of the Board
- (i) Monitor the effectiveness of organisations' implementation of their duties under section 11 of the Children Act 2004.
 - (ii) Ensure that information is available to children to know who they can contact when they have concerns about their own safety and welfare.
 - (iii) Develop policies and procedures for safeguarding and promoting the welfare of children in the area of the authority.
 - (iv) Develop and implement strategies to safeguard and promote the welfare of groups of children who are potentially more vulnerable than the general population, for example children living away from home, children who have run away from home, or children with disabilities.
 - (v) Ensure that systems are in place to identify and support the safety and welfare of children who are privately fostered.
 - (vi) Develop and implement a training strategy to meet the training needs of staff across all agencies to work effectively together to safeguard and promote the welfare of children who may be at risk of significant harm.
 - (vii) Develop standards for the recruitment and supervision of persons who work with children and monitor their implementation and compliance. This will be informed by the findings of the Bichard Report.
 - (viii) Ensure that systems are in place for all agencies for the investigation of allegations of breaches of safeguarding practices concerning persons working with children and monitor compliance with the procedures.
 - (ix) Establish means of communication with the communities in the London Borough of Brent to ensure that issues of safeguarding are understood by all communities and to provide the opportunity for those communities' issues to be addressed by the Local Safeguarding Children Board.
 - (x) Monitor and evaluate the effectiveness of what is done by the Local Authority and board partners individually and collectively to

safeguard and promote the welfare of children and advise them on ways to improve.

- (xi) Participate in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account.
- (xii) Undertake serious cases reviews as required by chapter 6 of Working Together to Safeguard Children.
- (xiii) Develop and analyse performance indicators relevant to safeguarding children in Brent.
- (xiv) Agree the reporting of management information from agencies to provide an overview of safeguarding activity within the area of the Safeguarding Children Board.
- (xv) Implement child death review groups prior to the statutory deadline of April 2008.

(e) Membership

The Brent Local Safeguarding Children Board will be chaired by an independent chair. The Operational Director Children's Social Care will become the vice chair. Membership will be drawn from:

- the Chief Officer of Police
- the Probation Board
- the Youth Offending Team
- Strategic Health Authorities and Primary Care Trust
- NHS Trusts and NHS Foundation Trusts
- the Connexions Services
- CAFCASS (Children and Family Courts Advisory and Support Service)
- Domestic Violence Forum
- Local authority legal services
- Drug and Alcohol misuse services
- Representatives of Voluntary Organisations
- Housing

Local Safeguarding Adults Board

11.5 (a) The Care Act 2014 requires each Local Authority to establish a Local Safeguarding Adults Board, to be made up of representatives from the agencies and bodies which have regular contact with adults in need of care and support or responsibilities for services to them in the local area.

(b) The Brent Local Safeguarding Adults Board will be the key statutory mechanism for agreeing how the relevant organisations in the London Borough of Brent will co-operate to safeguard and promote the welfare of adults at risk of or experiencing abuse and neglect in the area, and for ensuring the effectiveness of what the agencies do.

(c) Objectives of the Board: to improve local safeguarding arrangements and ensure partnerships act to help and protect adults at risk of or experiencing neglect and/or abuse.

- (i) To co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of adults at risk in the London Borough of Brent; and
- (ii) To ensure the effectiveness of what is done by each such person or body for those purposes.

(d) Terms of Reference of the Board:

- (i) The role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults.
- (ii) establish ways of analysing and interrogating data on safeguarding notifications and completed enquiries which increases the SABs understanding of prevalence of abuse and neglect locally that builds up a picture over time;
- (iii) establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
- (iv) Develop and implement policies and strategies for protecting adults which should be formulated, not only in collaboration and consultation with all relevant agencies but also take account of the views of adults who have needs for care and support, their families, advocates and carer representatives;
- (v) develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
- (vi) identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry, including referral pathways and thresholds for intervention;
- (vii) formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
- (viii) develop strategies to deal with the impact of issues of race, ethnicity, religion, gender and gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect;
- (ix) balance the requirements of confidentiality with the consideration that, to protect adults, it may be necessary to share information on a 'need-to-know basis';
- (x) identify mechanisms for monitoring and reviewing the implementation and impact of policy and training to meet the training needs of staff across all agencies to work effectively together to safeguard and promote the welfare of adults at risk;

- (xi) carry out safeguarding adult reviews and advise the local authority and Board Partners on lessons to be learned;
- (xii) produce a Strategic Plan and an Annual Report;
- (xiii) evidence how Board members have challenged one another and held other Boards to account and determine arrangements for peer review and self-audit; and
- (xiv) Review and comment on the impact for safeguarding of individual member agencies' operational strategic decision making, including budgetary considerations.

(e) Membership

- (i) The Brent Local Safeguarding Adults Board will be chaired by an Independent Chair. Membership will be drawn from:
 - Brent Council
 - Strategic Director Adults
 - Strategic Director of Children and Young People
 - Operational Director of Housing Services
 - An appropriate representative of Regulatory Services
 - Metropolitan Police: Brent
 - National Probation Trust
 - Community Rehabilitation Company
 - Brent Clinical Commissioning Group
 - NHS England (London)
 - North West London Healthcare NHS Trust
 - Central and North West London NHS Foundation Trust
 - London Ambulance Service
 - Healthwatch
 - London Fire Brigade
 - Care Quality Commission
 - Brent Community Voluntary Services
 - Brent User/Carers Group
 - Department for Work and Pensions
 - Crown Prosecution Service
- (ii) Other membership of the LSAB who will act in an advisory/observer role will include:
 - Cabinet Member Adults, Health and Wellbeing
 - The Director of Public Health
 - Designated Health Professionals
 - Principal Social Worker
 - Legal Advisor to the Board

Independent Admission Appeals Panel

- 11.65 (a) The Independent Admission Appeals Panel is established under the School Standards and Framework Act 1998. Its purpose is to determine

appeals by parents and in certain circumstances children aged 16 or over who have been refused admission to sixth form against a decision by the LA as to the school at which education is to be provided for a child or in the case of a community or voluntary school maintained by the LA a decision by the governing body to refuse a child admission to a school.

- (b) The panel would also deal with appeals by a governing body against a decision of the Council to admit a child to a community or voluntary controlled school who has been permanently excluded from two or more schools.
- (c) The membership of the Independent Admission Appeals Panel consists of between three and five members appointed by the LA. The Panel must contain:
- at least one member with experience in education who has knowledge of educational conditions in the area of the authority, or is a parent of a registered pupil at a school; and
 - at least one member who is a lay person, that is, someone without personal experience in the management of a school or the provision of education in a school (other than experience gained in a voluntary capacity or as a school governor).
- (d) The LA retains a list of potential panel members. After an appeal has been submitted the LA must arrange for three (or less often five) appropriate panel members, including a Chairperson from the list, to constitute the panel and hear the appeal.

Independent Review Panel

- 11.76 (a) The Independent Review Panel is established under the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. Its purpose is to review the decision of a governing body not to reinstate a pupil who has been permanently excluded from a school maintained by the LA if the parent of that pupil makes an application for review within the legal time frame.
- (b) The membership requirements for the Independent Review Panel are that there must be three or five members (as decided by the LA). The Panel must contain :
- the Chair who must be a lay member, defined as someone who has not worked in a school in any paid capacity; and
 - at least one person who has been a governor of a maintained school provided that they have served in this capacity for at least 12 consecutive months in the last 6 years; and
 - at least one person who must be, or have been within the last five years, a head teacher of a maintained school.
- (c) The LA retains a list of potential panel members. After a pupil has been excluded and an application for review is submitted the LA must arrange

for three (or less often five) appropriate panel members, including a Chairperson, to constitute the panel and review the matter.

Trading Standards Joint Advisory Board

11.87 Brent Council has agreed to carry out Trading Standards services for the London Borough of Harrow. In order to oversee and review these arrangements the two authorities have established a Trading Standards Joint Advisory Board which will:-

- (a) consider the operation, extent and management of the Trading Standards service;
- (b) consider the annual report of the Head of Trading Standards;
- (c) consider management reports concerning complaints from customers about the service;
- (d) receive reports and representations submitted to it by the Head of Trading Standards or the relevant commissioning officers in Brent and Harrow Councils on matters relating to the service; and
- (e) consider and make recommendations on the level of fees and charges to be made to the public in respect of any part of the service.

Schools' Forum

11.98 (a) The Schools' Forum is established under the Education Act 2002. The LA is required to consult the Forum on a number of matters including:

- (i) any proposed changes to the school funding formula, including the financial impact of any proposed changes; and
 - (ii) proposed contracts for the tender of supplies or services where the value is not less than the threshold for application of the EC Regulations and the contract is paid or will be paid out of the LA's schools budget.
- (b) The LA must consult the Forum annually in respect of the LA's functions relating to the schools budget. This specifically relates to:
- (i) the arrangements to be made for the education of pupils with special educational needs;
 - (ii) arrangements for the use of pupil referral units and the education of children otherwise than at school;
 - (iii) arrangements for early years education;
 - (iv) arrangements for insurance;
 - (v) prospective revisions to the LA's scheme for the financing of schools;

- (vi) administrative arrangements for the allocation of central government grants paid to schools via the LA; and
 - (vii) arrangements for free school meals.
- (c) The LA may consult the Forum on any other issue it thinks fit. Other issues which the Forum considers include the asset management arrangements of the LA and its capital programme.
- (d) The membership of the Forum is:
- (i) four Primary Heads;
 - (ii) four Primary Governors;
 - (iii) three Secondary Heads;
 - (iv) three Secondary Governors;
 - (v) one Special School Head;
 - (vi) one Special School Governor;
 - (vii) one Nursery School Head;
 - (viii) one Nursery School Governor;
 - (ix) one Voluntary Aided Sector representative; and
 - (x) one Trade Union representative.

~~11.9 Number not in use~~

~~11.10 Number not in use~~

Brent Housing Partnership

- 11.10~~4~~(a) Brent Housing Partnership Limited ("BHP") is a limited liability company wholly owned by the Council, which was established as part of central government's programme of Arms Length Management Organisations.
- (b) With effect from 1 October 2002, BHP is responsible for performing the majority of the Council's landlord functions in respect of the Council's residential housing stock, including leasehold properties.
- (c) The operation of the company is governed by its Memorandum and Articles of Association and its Standing Orders and Financial Regulations, as well as the Management Agreement between BHP and the Council.
- (d) A Board of 13 directors, consisting of 3 Council nominees, 4 tenant representatives and 6 independents, is responsible for running the company.
- (e) The services delivered by BHP on behalf of the Council include rent accounting and recovery, enforcement of tenancy terms and conditions, responsive repairs, planned maintenance (including raising the rented properties to central government's "decent homes standard"), void management, ground maintenance, building cleaning, service charge collection, and resident participation.

~~Local Safeguarding Adults Board~~

- 11.12 (a) ~~The Care Act 2014 requires each Local Authority to establish a Local Safeguarding Adults Board, to be made up of representatives from the agencies and bodies which have regular contact with adults in need of care and support or responsibilities for services to them in the local area.~~
- (b) ~~The Brent Local Safeguarding Adults Board will be the key statutory mechanism for agreeing how the relevant organisations in the London Borough of Brent will co-operate to safeguard and promote the welfare of adults at risk of or experiencing abuse and neglect in the area, and for ensuring the effectiveness of what the agencies do.~~
- (c) ~~Objectives of the Board: to improve local safeguarding arrangements and ensure partnerships act to help and protect adults at risk of or experiencing neglect and/or abuse.
To co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of adults at risk in the London Borough of Brent; and
(To ensure the effectiveness of what is done by each such person or body for those purposes.~~

~~(d) **Terms of Reference of the Board:**~~

~~The role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults.~~

~~establish ways of analysing and interrogating data on safeguarding notifications and completed enquiries which increases the SABs understanding of prevalence of abuse and neglect locally that builds up a picture over time;~~

~~establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;~~

~~Develop and implement policies and strategies for protecting adults which should be formulated, not only in collaboration and consultation with all relevant agencies but also take account of the views of adults who have needs for care and support, their families, advocates and carer representatives;~~

~~develop preventative strategies that aim to reduce instances of abuse and neglect in its area;~~

~~identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry, including referral pathways and thresholds for intervention;~~

~~formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;~~

~~develop strategies to deal with the impact of issues of race, ethnicity, religion, gender and gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect;~~

~~balance the requirements of confidentiality with the consideration that, to protect adults, it may be necessary to share information on a 'need-to-know basis';~~

~~identify mechanisms for monitoring and reviewing the implementation and impact of policy and training to meet the training needs of staff across all agencies to work effectively together to safeguard and promote the welfare of adults at risk;~~

~~carry out safeguarding adult reviews and advise the local authority and Board Partners on lessons to be learned;~~

~~produce a Strategic Plan and an Annual Report;~~

~~evidence how Board members have challenged one another and held other Boards to account and determine arrangements for peer review and self-audit; and~~

~~Review and comment on the impact for safeguarding of individual member agencies' operational strategic decision making, including budgetary considerations.~~

(e) Membership

~~The Brent Local Safeguarding Adults Board will be chaired by an Independent Chair. Membership will be drawn from:~~

~~Brent Council~~

~~Strategic Director Adults~~

~~Strategic Director of Children and Young People~~

~~Operational Director of Housing Services~~

~~Operational Director of Regulatory Services~~

~~Metropolitan Police: Brent~~

~~National Probation Trust~~

~~Community Rehabilitation Company~~

~~Brent Clinical Commissioning Group~~

~~NHS England (London)~~

~~North West London Healthcare NHS Trust~~

~~Central and North West London NHS Foundation Trust~~

~~London Ambulance Service~~

~~Healthwatch~~

~~London Fire Brigade~~

~~Care Quality Commission~~

~~Brent Community Voluntary Services~~

~~Brent User/Carers Group~~

~~Department for Work and Pensions~~

~~Crown Prosecution Service~~

~~Other membership of the LSAB who will act in an advisory/observer role will include:~~

~~Cabinet Member Adults, Health and Wellbeing
The Director of Public Health
Designated Health Professionals
Principle Social Worker
Legal Advisor to the Board~~

Old Oak and Park Royal Development Corporation

11.11~~3~~ (a) Under the Localism Act 2011 the Mayor of London has powers to establish a Mayoral Development Corporation ('MDC'). ~~The Old Oak and Park Royal Development Corporation Establishment Order was made on 23 January 2015 and came into effect on 1 April 2015.~~ The Old Oak and Park Royal Development Corporation (OPDC) was established by the Mayor of London pursuant to an Establishment Order made on 23 January 2015 and which came into effect on 1 April 2015. The OPDC has been established to drive forward the regeneration of Old Oak and Park Royal in light of the proposed HS2 interchange. The corporation boundary includes land within Brent, Ealing and Hammersmith & Fulham.

~~(b) The OPDC has a Board comprising an elected member from each of the three boroughs affected, a representative from the Greater London Authority, Transport for London, Department for Transport, High Speed 2, Network Rail, a local business representative, a representative from the residential community, the Chair of the OPDC Planning Committee, an independent business representative, an expert in regeneration and an expert in education. The Council is represented on the Board by its Leader.~~

~~(c) The OPDC can acquire planning functions for the area covered by the MDC.~~ Pursuant to a Planning Order made by the MDC, which came into effect on 1 April 2015, the OPDC is the Local Planning Authority for the land within its boundary. The OPDC has a Planning Committee that includes one elected member from each of the three boroughs affected. The Council is represented on the Planning Committee by the Chair of its Planning Committee.

~~11.13 (db) The OPDC has a Board comprising an elected member from each of the three boroughs affected, a representative from the Greater London Authority, Transport for London, Department for Transport, High Speed 2, Network Rail, a local business representative, a representative from the residential community, the Chair of the OPDC Planning Committee, an independent business representative, an expert in regeneration and an expert in education. The Council is represented on the Board by its Leader.~~
11.13 (c) ~~Under the Localism Act 2011, t~~The OPDC has can delegated some of its planning functions back to the Council. ~~On 2 March 2015, Full Council agreed that certain These functions are to be discharged by the Council on behalf of the OPDC be delegated to the Planning Committee and officers in accordance with the current arrangements for carrying out planning functions.~~

Pension Board

Membership

- 11.1~~24~~(a) The membership of the Pension Board shall consist of:
- 3 Brent Council Pension Fund employer representatives (2 Brent Council representatives and 1 representing an employer other than the Council)
 - 3 Brent Council Pension Fund member representatives (2 Trade Union representatives and 1 pension scheme member)
 - 1 independent member (chair)
- 11.1~~24~~(b) No substitutes are permitted.
- 11.1~~24~~(c) Members of the Pension Board shall be appointed by the General Purposes Committee.

Terms of Reference

- 11.1~~24~~(d) Under the Local Government Pension Scheme Regulations 2013 (as amended):
- (i) To assist the Council as scheme manager in securing compliance with:
 1. the Local Government Pension Scheme Regulations 2013 (as amended);
 2. any other legislation relating to the governance and administration of the Local Government Pension Fund Scheme (LGPS);
 3. requirements imposed by the Pensions Regulator in respect of the LGPS;
 4. such other matters as the LGPS regulations may specify
 - (ii) To assist the Council in securing the effective and efficient governance and administration of the scheme;
 - (iv) (iii) To consider cases that have been referred to the Pension Regulator and/or the Pension Ombudsman; recommending changes to processes, training and/or guidance where necessary; To produce an annual report outlining the work of the Board throughout the financial year to the General Purposes Committee.

Article 12 – Joint Arrangements

Arrangements to promote well being

- 12.1 The Council, in order to promote the economic, social or environmental well being of its area, may:
- (a) enter into arrangements or agreements with any person or body;
 - (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
 - (c) exercise on behalf of that person or body any functions of that person or body.

Joint arrangements

- 12.2 (a) The Council and/or the Leader may establish joint arrangements with one or more local authorities and/or their Executives to carry out any of their functions. The Leader has agreed to delegate his/her executive functions in this regard to the Cabinet.
- (b) Any such joint arrangements may involve the appointment of joint committees with the other local authorities and/or their Executives.
- (c) Except as set out in (d) below, where all the functions of a joint committee are executive functions, the Cabinet may only appoint Cabinet members to that joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may only appoint members to a joint committee from outside the Cabinet if the joint committee will be exercising executive functions for only part of the area of the authority, and that area is smaller than two-fifths of the total area of the authority or the population of that area is less than two-fifths of the total population of the authority. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area.
- (e) The political balance requirements do not apply to such appointments.

Current Joint Committees

12.3 The Council is a member of the following joint committees:

- London Councils Committee
- London Councils Transport and Environment Committee
- London Councils Grants Committee
- London Housing Consortium
- Northwest London Joint Health Overview and Scrutiny Committee
- [West London Economic Prosperity Board](#)

12.4 The terms of reference for these Joint Committees and the details of the memberships are set out in Part 5 of this Constitution.

Access to Information Rules for Joint Committees

12.5 The Access to Information Rules for Joint Committees are set out in the Access to Information Rules in Part 6 of this Constitution.

Delegation to and from other local authorities

- 12.6 (a) The Council may delegate non-executive functions to another local authority or, if the function is an executive function of the other local authority, to the Executive of that local authority.
- (b) The Cabinet may delegate executive functions to the Cabinet of another local authority or if the function is a non-executive function of the other local authority to that local authority.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council in the case of a delegation to the local authority and to the Cabinet in the case of a delegation to the Cabinet .

Contracting

12.7 The Council or Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

12.8 The Council may enter into collaborative procurement arrangements with other local authorities. Delegation of the Council's discretionary decision making as part of any such arrangements may only be agreed by the Full Council or the Cabinet as appropriate.

Article 13 - Officers

Management structure

13.1 General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

13.2 Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Head of Paid Service. Managerial leadership of the Council including responsibility for overall corporate management and operational responsibility for all staff. Providing and securing of advice to the Council, and councillors, on strategy and policy. Acting in an executive capacity by making decisions or ensuring a system is in place for other officers to make decisions, as authorised by the Council. Delivering probity, value for money and continuous improvement.
Chief Operating Officer	Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral, committee, Member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health, highways, transport strategy, Brent Transport Services, transportation, refuse and street cleansing, parking, parks and open spaces, cemeteries, accident prevention, emergency planning and business continuity, waste management and recycling, street lighting, environment, CCTV monitoring, sport and leisure, leisure centres, arts, libraries, museums, and archives, community safety, nationality service, Registrar of Births, Deaths and Marriages, customer services, revenue and benefits.
Strategic Director Children & Young People	Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities

	and all functions of the Local Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people.
Strategic Director Adults	Statutory Director of Adult Social Services, health, adult physical disability, learning disability, mental health services, services to older people, safeguarding adults, emergency duty team, asylum in so far as it is not a housing matter, adult social care complaints, and any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People.
Strategic Director Regeneration and Growth	Regeneration, urban renewal, economic development, building new education facilities, statutory land use, planning, development and building control, land charges, street naming and numbering, housing regeneration, affordable housing development, corporate property, facilities and premises management. All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services, liaison and transactions with Housing Associations, homelessness and housing strategy, housing management, adult and community education, environmental health, licensing, street trading, trading standards, mortuary, health & safety, contaminated land, pollution control, food safety and pest control.

Head of Paid Service, Monitoring Officer and Section 151 Officer~~Chief Finance Officer~~ and other Statutory Chief Officer posts

13.3 The Council has made the following designations:

Post	Designation
Chief Executive	Head of Paid Service
Chief Legal Officer	Monitoring Officer
Chief Finance Officer	<u>Section 151 Officer</u> Chief Finance Officer
Strategic Director Children and Young People	Director of Children's Services
Strategic Director Adults	Director of Adult Social Services

Director of Public Health	Director of Public Health
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Structure

13.4 The Chief Executive determines and publicises a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

Functions of the Monitoring Officer

13.5 (a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by councillors, officers and the public.

(b) **Ensuring lawfulness and fairness of decision making**

After consulting, as appropriate, with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission has, may or would give rise to unlawfulness or to any maladministration which has been investigated by the Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) **Conducting investigations**

The Monitoring Officer will conduct investigations into matters referred to him or her by the Standards Committee and make reports or recommendations in respect of them to the Standards Committee.

(e) **Advising whether Cabinet decisions are within the Policy Framework and the Budget**

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Policy Framework and the Budget.

(f) **Providing advice**

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

(g) **Section 36 determinations**

The Monitoring Officer will act as the 'qualified person' referred to in section 36 of the Freedom of Information Act 2000 for determinations under that section of the Act.

Restrictions on posts

- 13.6 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Functions of the Chief Finance Officer

13.7 (a) **Ensuring lawfulness and financial prudence of decision-making**

After consulting, as appropriate, with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council, or to the Cabinet in relation to an executive function, and the Council's external auditor if he or she considers 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.

(b) **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

The Chief Finance 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 all councillors and will support and advise councillors and officers in their respective roles.

(e) **Give financial information**

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

Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

- 13.8 The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in those officers' eir opinion sufficient to allow their duties to be performed.

Functions of the Director of Public Health

- 13.9 (a) Principal adviser to officers and members on all public health matters.

- (b) to write the annual report on the health of the local population
- (c) to take steps to improve public health
- (d) to plan for and respond to emergencies which present a risk to public health
- (e) to carry out such public health functions or health protection functions as the Secretary of State may delegate or specify in regulations
- (f) to co-operate with the police, probation service and prison service in accordance with the Council's duties under Section 325 of the Criminal Justice Act 2003
- (g) to be responsible for the Council's public health response under the Licensing Act 2003
- (h) to authorise Patient Group Directions on behalf of the Council

Conduct

- 13.10 Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in the Constitution.

Article 14 – Decision Making

Responsibility for decision making

- 14.1 The Council will issue and keep up to date a record of which part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 4 of this Constitution.

Principles of decision making

- 14.2 All decisions of the Council will be made in accordance with the following principles:
- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
 - (b) due consultation and the taking of professional advice from officers;
 - (c) respect for human rights;
 - (d) a presumption in favour of openness;
 - (e) clarity of aims and desired outcomes; and
 - (f) explaining the reasons for a decision and the options considered.

Key decisions

- 14.3 A Key Decision is defined in statute as an executive decision which is likely:
- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

~~14.4 Number not in use.~~

- 14.45 A decision maker or decision making body may only make a Key Decision in accordance with the requirements of the Access to Information Rules set out in Part 6 of this Constitution.

The Forward Plan

- 14.56 A Forward Plan shall be prepared by the Head of Executive and Member Services giving not less than 28 days notice of any decision to be taken by the Cabinet and this will be updated and republished 28 days before each meeting of the Cabinet. The Forward Plan will contain matters which the Head of Executive and Member Services has reason to believe will be the subject of a Key Decision to be taken by the Cabinet, a committee of the Cabinet, officers or under joint arrangements in the course of the discharge of an executive function.

14.67 More information about the Forward Plan and the rules relating to it are included in the Access to Information Rules.

Decision making by Council bodies acting as tribunals

14.78 The Council, a committee, sub-committee or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations of any person will follow a proper procedure which accords with the requirements of natural justice and the European Convention on Human Rights.

Article 15 – Finance, Contracts and Legal Matters

Financial management

- 15.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations.

Audit

- 15.2 The Council has appointed internal and external auditors. Responsibility for overseeing the audit function rests with the Audit Committee.

Contracts

- 15.3 Every contract made by the Council will comply with the Contract Standing Orders set out in Part 3 of this Constitution.

Legal proceedings

- 15.4 The Chief Legal Officer and, on the advice of the ~~Chief Legal Officer~~, Chief Officers are authorised to institute, defend, settle or participate in any actual or contemplated legal or formal proceedings where such action is necessary to give effect to decisions of the Council or in any case where the Chief Legal Officer considers that such action is necessary to protect the Council's interests.

Authentication of documents

- 15.5 Where any document is necessary for any legal procedure or proceedings, it will be signed by the Chief Legal Officer or any other person duly authorised under the Constitution or by the Chief Legal Officer for such purpose unless any enactment authorises or requires otherwise.

Sealing of Documents

- 15.6 The rules relating to the sealing of documents are set out in the Standing Orders.

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PART 3

STANDING ORDERS

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BRENT COUNCIL STANDING ORDERS

All or part of those Standing Orders written in italics and marked with an asterisk cannot be suspended, or waived or may only be suspended or waived in limited ways. The intention is to give members guidance as to when to seek legal advice before moving suspension or waiver. This only applies to meetings of Full Council, as neither committees nor sub-committees or the Cabinet are permitted to suspend or waive Standing Orders.

GENERAL

1*. **Constitution to be provided to members**

A copy of the Constitution is available to every member of the Council on the Council's intranet and a copy shall be made available by the Head of Executive and Member Services upon request.

2. **Suspension of Standing Orders**

These Standing Orders may only be suspended or waived by Full Council and only where permitted by law to be so suspended or waived.

3. **Variation and Revocation of Standing Orders**

These Standing Orders may only be varied or revoked at a meeting of Full Council or in accordance with Article 1 of Part 2 of the Constitution.

4. **Mayor's Rulings Under Standing Orders**

- (a) The Mayor shall decide on the construction, interpretation or application of these Standing Orders in relation to the proceedings at a meeting of Full Council.
- (b) The decision of the Mayor under this Standing Order or under any other power contained in these Standing Orders when notified to the Council shall take effect forthwith unless two members of the Council indicate dissent by rising in their places in which case the Mayor's decision shall be treated as a proposal to be effective only if confirmed by the Council on a vote and the Mayor's proposal shall be put to the vote at once without any discussion.

5. **Notice to be given**

Any notice or request required to be given under these Standing Orders is required to be given in writing and be received by the person or body specified by 12 noon on the day in question unless otherwise specified.

6. **Form of Notice**

- (a) Subject to paragraph (b) below, any notice or request or motion required to be signed by members shall be submitted to the Head of Executive and Member Services and shall be signed by the required number of such members at the offices of the Head of Executive and Member Services. The Head of Executive and Member Services shall have delegated authority to take such action as is necessary to respond to any such notice, request or motion signed by the requisite number of members.

- (b) Any request under Standing Order 20 shall be made in writing and submitted in person, by letter, by email or by facsimile and:
- (i) In the case of a request submitted in person, by letter or by facsimile shall be signed and the signature(s) shall be the original signature of the member(s).
 - (ii) In the case of a request submitted by facsimile, it shall be sufficient if the signature is not photocopied or a stamp signature.
 - (iii) In the case of a request submitted by email, the email shall be from a member's individual address and not from that member's group office.
 - (iv) Shall include the reason(s) for the request being made. For the avoidance of doubt, there is no requirement that the same reason be given in respect of each request when calculating whether the threshold specified in Standing Order 20 has been reached.
 - (v) Maybe made on the Call-in form available from member's group offices, and may include members' suggested alternative proposals, action, or resolution.

7. Interpretation

- (a) References to the Mayor shall include the Deputy Mayor when acting in his or her absence (or in relation to Chairing a meeting of Full Council any other member selected at a meeting of Full Council to chair it if not the Deputy Mayor).
- (b) References to the Leader shall include the Deputy Leader when acting in his or her absence and shall include any other member of the Executive who in the absence of the Leader and the Deputy Leader is nominated by the Leader to act or if no such nomination is made the person nominated by the Deputy Leader to so act.
- (c) References to days shall unless otherwise specified be to clear working days. Clear working days means excluding the day on which the notice is given and the day of the meeting or other event or action to which it relates.
- (d) Other words and phrases shall unless the contrary intention is clear have the meaning given in the definitions section of the Constitution.
- (e) Except as provided in Standing Order 4 the Chief Legal Officer shall advise on the construction, interpretation or application of any part of the Constitution.

8. Access to Information

The Access to Information Rules which apply to meetings and documents are set out in the separate Access to Information Rules forming part of the Constitution.

9*. Motions relating to confidential or exempt information

If any matter arises at a meeting of Full Council or the Cabinet (or a committee or sub-committee thereof) and in respect of which any confidential or exempt information may be disclosed or discussed then in the case of confidential information that matter shall not be the subject of further discussion; and in the case of exempt information that matter shall not be the subject of further

discussion until Full Council or the Cabinet or the committee or sub-committee as the case may be has decided whether or not the power of exclusion of the public as set out in the Access to Information Rules shall be exercised.

10*. Motions Involving Expenditure

No decision of the Council which involves the expenditure of money for which there is no budgetary provision shall be implemented in any way until such budgetary provision has been made.

THE EXECUTIVE ARRANGEMENTS

11. Form of Executive Arrangements

The Council will operate a Leader and Cabinet model of Executive arrangements and they are collectively called the Cabinet.

12. Appointment of the Cabinet

- (a) The Cabinet shall be appointed in accordance with Article 7 of the Constitution

13. Vote of No Confidence

- (a) The Leader shall cease to hold office following a vote of no confidence in him/her. A motion in respect of the vote of no confidence shall be debated by Full Council if, at least 10 clear working days before the meeting at which the motion is to be considered, it has been signed in accordance with Standing Orders 5 and 6 by at least 40% of the members of the Council and the motion proposes an alternative Leader. If such a motion is passed the new Leader shall hold office for the remainder of the previous Leader's term of office.

14. Executive Functions

- (a) All functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution are the responsibility of the executive.
- (b) The Leader may exercise those functions, or may delegate those functions to the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet, or officers. Where the Leader has arranged for the discharge of executive functions by the Cabinet, the Cabinet may arrange for the discharge of those functions by a committee of the Cabinet, an individual member of the Cabinet or an officer. Both the Leader and Cabinet may also exercise executive functions jointly with other local authorities including (but not limited to) joint committee arrangements.
- (c) The Leader has agreed to delegate all executive functions to the Cabinet except those which he/she has delegated to the Highways Committee or others as set out in Part 4 of the Constitution.

15. The Forward Plan

- (a) The Head of Executive and Member Services shall in accordance with the Access to Information Rules, publish a Forward Plan of the matters in respect of which Key Decisions will be made by the Cabinet (including officers making Key Decisions) and any other matter which the Head of Executive and Member Services considers should be included in the Forward Plan.
- (b) Except as provided for in Standing Order 16 all decisions to be taken by the Cabinet must be included in the Forward Plan in accordance with the Access to Information Rules.

16. Urgent Decisions not on the Forward Plan

- (a) If the Cabinet (including officers making Key Decisions) is proposing to take a decision which is not included in the Forward Plan then the decision may only be taken if:-

- (i) the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales;
 - (ii) the Head of Executive and Member Services has informed the Chair of the Scrutiny Committee in writing of the matter in respect of which the decision is to be taken;
 - (iii) the proper officer has made copies of the notice given to the Chair of the Scrutiny Committee and made these available to the public at the offices of the Council and on the Council's website. Notice will also be given setting out the reasons why compliance with the ordinary requirements of the Forward Plan is impracticable; and
 - (iv) at least 5 clear days have elapsed since the notice was given to the Chair of the Scrutiny Committee or, where that is not reasonably possible, the Chair of the Scrutiny Committee has agreed that the taking of the decision is urgent and cannot be reasonably deferred. If the Chair is unable to act, then the agreement of the Mayor or in his /her absence the Deputy Mayor will suffice. A notice setting out the reasons for deciding the decision is urgent and cannot reasonably be deferred shall be made available at the Council's offices and on its website.
- (b) The Leader shall report to the next meeting of Full Council any Key Decisions taken under this Standing Order.

17. Meetings and Decisions of the Cabinet

- (a) The Cabinet will meet to take decisions on such matters which relate to executive functions as the Cabinet has been delegated by the Leader unless there is no business to consider and that meeting will be open to the press and public except to the extent that the press and public are excluded during the consideration of any confidential or exempt information, as set out in the Access to Information Rules.
- (b) Members of the Council who are not members of the Cabinet and members of the public may only attend and speak at private meetings of the Cabinet if invited to do so by the Leader or if the Cabinet at the relevant meeting so decides and only then for the period so permitted.
- (c) The Quorum for meetings of the Cabinet and its committee(s) shall be 3.
- (d) The rules for debate at the meetings of the Cabinet shall be determined by the Cabinet.
- (e)* *Any decision taken by the Cabinet shall be taken following the consideration of a written report and after having taken into account all legal, financial and other relevant implications, the responses to any consultation and the comments received from the Scrutiny Committee and any previous meeting of Full Council where the matter the subject of the decision was considered.*
- (f)* *Any decision of the Cabinet shall be taken in accordance with all current legislation, these Standing Orders and the other applicable rules contained in the Constitution.*

- (g) Minutes of the meeting shall be taken by an officer, such minutes to reflect the requirements contained in the Access to Information Rules for a record of Key Decisions (and certain other decisions) to be maintained.
- (h) Minutes of each Cabinet meeting shall be put before the next ordinary meeting of the Cabinet for approval as a correct record and as soon as they are so approved the Leader shall sign them.
- (i) The decisions of the Cabinet shall be published in a List of Cabinet Decisions and the list shall, be published within 48 hours of the meeting at which the decisions were made.

18. Decisions Contrary to the Policy Framework and the Budget:

- (a) *Except in accordance with paragraph (c) no person or body shall make any decision which is, according to advice received from the Monitoring Officer or the Chief Finance Officer, contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget.*
- (b) *According to statute, any function in respect of which the Leader, the Cabinet, or a committee of the Cabinet— has purported to make a decision or is minded to make a decision which according to advice received from the Monitoring Officer or the Chief Finance Officer is or would be contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget ceases to be an executive function for the purposes of that decision and so shall be referred to Full Council for consideration in accordance with Standing Order 276, except as provided in paragraph (c).*
- (c) A decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council may only be made other than by Full Council if the decision is required to be made as a matter of urgency and if:-
 - (i) it is not practical to convene a quorate meeting of Full Council; and
 - (ii) the Chair of the Scrutiny Committee agrees that the decision is a matter of urgency.
- (d) The reasons why it is not practical to convene a quorate meeting of Full Council and the agreement of the Chair of the Scrutiny Committee shall be noted on the record of the decision. In the absence of the Chair of the Scrutiny Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.
- (e) Following any decision taken pursuant to paragraph (c), the decision taker will provide a full report to the next ordinary meeting of Full Council explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

19. Virement, transfers and in-year changes to policy

- (a) Full Council will, subject to paragraph (b) below, specify (in approving the Policy Framework and the Budget or otherwise) the extent to which virements and transfers may be made within the budget and to which in-year changes to the policies agreed as part of the Policy Framework may be made. Any other changes to the Policy Framework and the Budget are reserved to Full Council.

- (b) No expenditure shall be incurred in excess of the amounts allocated in the approved budget to each budget head other than in accordance with arrangements specified by Full Council under (a) above.
- (c) The Cabinet may make in-year changes to the policies and strategies agreed as part of the Policy Framework if such change or changes are within the limits set by Full Council pursuant to paragraph (a) above. No other changes may be made unless it, or they, cannot reasonably wait until the next meeting of Full Council and if it is not reasonably practicable to call a meeting of Full Council for that purpose and unless:-
 - (i) such change is necessary to ensure compliance with the law or a ministerial direction; or
 - (ii) the Council would suffer or would be likely to suffer significant financial detriment if the policy was not changed in the manner proposed; or
 - (iii) the Council would benefit or would be likely to benefit from significant financial gain if the policy was changed in the manner proposed.

and such changes shall be reported by the Cabinet to the next ordinary meeting of Full Council.

20. Call in of Cabinet and Officer decisions

- (a) If:-
 - (i) the Scrutiny Committee decides; or
 - (ii) five non- cabinet members of the Council (for the avoidance of doubt excluding voting and non-voting co-opted and independent members) request

that any Key Decision made by the Cabinet or committee of the Cabinet or officers be called in for scrutiny then the Scrutiny Committee shall consider that decision at its next meeting which unless otherwise determined by the Leader shall in the case of a decision made by the Cabinet or its committee(s) take place within 15 days of the date on which the relevant decision was made or in the case of an officer decision take place within 15 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. This period will be extended by the Head of Executive and Member Services as appropriate to take account of any public or religious holidays identified in the Municipal Calendar.

- (b) Any such decisions or requests to call in a decision shall be made within 5 days of the date on which the relevant decision was made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. The request for Call In must be received by 6 pm on the 5th day. Any request to call-in shall be made in accordance with Standing Orders 5 and 6 and the process set out in the call-in protocol included in Part 7 of this Constitution.
- (c) Any decision which has been called in pursuant to paragraph (a) above which has not been implemented prior to the date on which the decision maker receives notification of the call in from the Democratic Services Manager shall not be implemented until the Scrutiny Committee has met to consider the decision in accordance with paragraph (a) unless the decision, in the reasonable opinion of the Chair of the Scrutiny Committee, needs to be implemented as a matter of

urgency and should not be delayed. The Cabinet shall report to the next ordinary meeting of Full Council details of any such urgent decisions and the reasons why the decision needed to be implemented as a matter of urgency.

- (d) In considering the call-in Scrutiny Committee shall have regard to the call-in protocol and determine whether it accepts any response which may have been given to it by the relevant decision maker and if it does not accept their response it can, in respect of that decision, agree recommendations to be given to the decision maker.
- (e) If the Scrutiny Committee recommends to the decision maker that it should reconsider the decision or matter then
 - (i) in the case of a decision made by the Cabinet the Cabinet shall meet and shall take into account the views expressed or recommendations made to it and may then proceed to implement or change the decision as it sees fit, whether or not the matter is referred to Full Council for further consideration under Standing Order 21; or
 - (ii) in the case of a key decision made by an officer, the officer who made the key decision shall take into account the views expressed or recommendations made to him or her and may then proceed to implement or change the decision as he or she sees fit, whether or not the decision is referred to Full Council for further consideration under Standing Order 21.

21. Referral of Called in Decisions to Full Council

- (a) If, following consideration by the Scrutiny Committee of a called in decision, at least 10 members of the Council (not including the independent or co-opted members) so request the decision the subject of the call in shall be referred to a meeting of Full Council for further consideration.
- (b) Any request to refer such a decision to Full Council, in accordance with paragraph (a) above, shall be made in writing, together with the reasons for the referral and may include details of any suggested alternative proposal, action, or resolution (standard forms are available from member's group offices), to the Head of Executive and Member Services within 5 days of the date on which the Scrutiny Committee met in accordance with Standing Order 18(a) or the date on which the decision maker reconsidered their decision in accordance with Standing Order 18(e) if later. The Head of Executive and Member Services shall forthwith copy the request and the reasons to the Leader.
- (c) The Leader shall include in his or her report to Full Council any comments of the Cabinet on the referral and the reasons given therefore.
- (d) Full Council may make such recommendations to the Cabinet as it sees fit and the Cabinet shall, if the recommendations relate to a function which is properly exercisable by the Cabinet, take into account but shall not be obliged to accept those recommendations.

[Paragraph number 22 not used]

THE POLICY FRAMEWORK AND THE BUDGET

23. The Framework for Cabinet decisions

Full Council will be responsible for the adoption of the Council's Policy Framework and the Budget. Once a budget or a policy is in place, it will be the responsibility of the Cabinet to implement it in so far as it relates to executive functions.

24. Developing proposals for the budget and capital programme

- (a) In the case of the Council's annual budget and the capital programme, the Scrutiny Committee shall, prior to the First Reading Debate, meet (on more than one occasion if necessary) to consider the financial position statement prepared by the Chief Finance Officer, and to receive evidence from Strategic Directors regarding what they consider to be the critical issues for their respective departments.
- (b) The Cabinet shall present a report from the Chief Finance Officer to Full Council setting out the financial position of the Council, financial forecasts for the following year and the possible expenditure priorities of the executive. There shall then be a debate on the issues raised in that report held in accordance with Standing Order 44 hereinafter called a "First Reading Debate".
- (c) Following the First Reading Debate a record of the debate shall be made available on the Council's website.
- (d) The Scrutiny Committee shall then meet again (on more than one occasion if necessary) to consider the Report to Full Council and the issues raised during the First Reading Debate. The Committee may receive evidence from Cabinet Members and others and shall then produce a report setting out its view of the budget priorities and any other issues it considers relevant. This report shall be submitted to each Cabinet Member and each Group Leader in order to inform budget proposal discussions.
- (e) Prior to being agreed by the Cabinet, the Cabinet's budget proposals shall be sent to members of the Scrutiny Committee which will then meet (on more than one occasion if considered desirable) to consider the proposals, and, if it wishes, to receive evidence from Cabinet Members and others. The committee shall submit a note of its deliberations and comments on the proposals to the Cabinet.
- (f) Prior to agreeing its budget proposals the Cabinet shall take into account the issues raised at the First Reading Debate and the note of the deliberations and comments from the Scrutiny Committee submitted to the Cabinet under paragraph (e).
- (g) A meeting of Full Council shall be convened in accordance with Standing Orders for the purpose of agreeing the Council's budget and setting the Council Tax.
- (h) Where, before 8th February in any financial year (but not otherwise), the Cabinet submits to Full Council for its consideration in relation to the following financial year:
 - (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 36 or 43 to 47 of the Local Government Finance Act 1992;

- (ii) estimates of other amounts to be used for the purposes of such a calculation; or
- (iii) estimates of such a calculation

(other than those required in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992) and following consideration of those estimates or amounts Full Council has any objections to them it must then comply with the following paragraphs of this Standing Order.

- (i) Before Full Council makes any calculation (whether originally or by way of substitute) in accordance with any of the sections referred to above, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give the Leader instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with Full Council's requirements.
- (j) Where Full Council gives instructions in accordance with the above sub-paragraph, it must specify a period of at least five days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-
 - (i) submit a revision of the estimates or amounts as amended by the Cabinet("revised estimates or amounts"), which have been reconsidered in accordance with Full Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to Full Council for Full Council's consideration; or
 - (ii) inform Full Council of any disagreement that the Cabinet has with any of Full Council's objections and the Cabinet's reasons for any such disagreement.
- (k) When the period specified by Full Council, referred to in the previous paragraph above has expired Full Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to above, take into account:-
 - (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) the Cabinet's reasons for those amendments
 - (iii) any disagreement that the Cabinet has with any of Full Council's objections; and
 - (iv) the Cabinet's reasons for that disagreement

which the Leader submitted to Full Council, or informed Full Council of, within the period specified.
- (l) In the event that there is a dispute between the Cabinet and Full Council on all or any part of the Capital Programme which cannot be resolved at the relevant meeting, Full Council shall instruct the Cabinet to reconsider their proposal in accordance with paragraphs (i) and (j) of Standing Order 26 below.

25. Developing plans, policies and strategies forming the Policy Framework

- (a) In the case of a plan, policy or strategy forming part of the Policy Framework which is to be subject to a First Reading Debate, the Cabinet shall present a report to the Full Council setting out the various issues in respect of that plan, policy or strategy. There shall then be a First Reading Debate on the issues raised in that report.
- (b) Following the First Reading Debate, Full Council may refer the report and any issues raised at the meeting to the Scrutiny Committee as appropriate. The committee may canvass the views of local stakeholders, in particular relevant Consultative Forums if it considers it appropriate but having particular regard not to duplicate any consultation carried out by the Cabinet.
- (c) Following the referral of the report to it under paragraph (b) above, the Scrutiny Committee shall report to the Cabinet on the outcome of any consultation and its deliberations within 8 weeks of the date of the First Reading Debate unless Full Council considers that there are special circumstances that make this timescale inappropriate in which case Full Council will specify the period within which the response must be reported.
- (d) In the case of a plan, policy or strategy forming part of the Policy Framework which is not to be subject to a First Reading Debate a report setting out the various issues in respect of the plan, policy or strategy shall be submitted to the Scrutiny Committee. The committee may canvass the views of local stakeholders in particular, relevant Consultative Forums if it considers it appropriate, but having particular regard not to duplicate any consultation carried out by the Cabinet.
- (e) Following the submission of the plan, policy or strategy to it under paragraph (d) above, the committee shall provide comments to the Cabinet on the outcome of any consultation and its deliberations within 8 weeks of the date of receipt of the report unless the Leader considers that there are special circumstances that make this timescale inappropriate in which case the Head of Executive and Member Services will, on behalf of the Leader, specify the period within which the response must be reported to it.
- (f) The report will be referred to the Scrutiny Committee under paragraphs (b) and (d) above by sending a copy to the Head of Executive and Member Services who will forward them to the Chair of the committee.
- (g) Having considered any comments received from the Scrutiny Committee and the matters noted at any First Reading Debate, the Cabinet may then agree its proposed plan, policy or strategy which shall then be reported by the Leader to Full Council for consideration and determination together with details of how the Cabinet has taken into account any recommendations received from the committee.
- (h) Full Council will consider the proposals of the Cabinet and may adopt them or may decide that it has objections to them or may decide that it would be minded to adopt them subject to certain amendments. Where Full Council objects to or wants to amend the proposals, then before it amends or adopts them or approves them for the purpose of submission to the Secretary of State or Minister of the Crown for his or her approval, it must inform the Leader of any objections which it has to the draft plan, policy or strategy and must, unless the Leader agrees those amendments at that meeting, give instructions requiring the Cabinet to reconsider the proposals in the light of those objections.
- (i) Where Full Council gives instructions in accordance with the preceding paragraph, it must specify a period of at least 5 days beginning on the day after

the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may submit to Full Council for reconsideration either a revised draft of the plan, policy or strategy together with the Cabinet's reasons for any amendments or details of those aspects of Full Council's objections that the Cabinet disagrees with and the reasons for any such disagreement.

- (j) When the period specified in the preceding paragraph has expired Full Council must, when amending or adopting the plan, policy or strategy or approving it for the purpose of submission to the Secretary of State or Minister of the Crown for his or her approval take into account any amendments, included in any revised draft plan, policy or strategy submitted by the Cabinet within the required period as set out above, the Cabinet's —reasons for those amendments, any disagreement that the Cabinet has with any of Full Council's objections and the Cabinet's reasons for that disagreement.
- (k) Any member wishing to put forward an alternative proposal in respect of a plan, policy or strategy forming part of the Policy Framework shall submit the proposal in writing to the Head of Executive and Member Services at least 10 days before the meeting at which the First Reading Debate is to take place or in the case of a plan, policy or strategy which is not the subject of a First Reading Debate at least 15 days prior to the end of the consultation period specified by the Executive. The Head of Executive and Member Services shall number such written alternative proposals in the order in which they are received and shall arrange for them to be circulated to all members of the Council as soon as possible after having received them and prior to the meeting at which any First Reading Debate is to take place or the next meeting of the Scrutiny Committee at which the plan, policy or strategy will be considered.

26. Cabinet Decisions Outside the Policy Framework and the Budget

Full Council may in respect of any decision which the Cabinet has purported to take or is minded to take which is referred to Full Council for consideration under Standing Order 186(b):-

- (a) itself take a decision on the matter and/or
- (b) amend the relevant plan, policy or strategy so as to encompass the decision or proposed decision (in which case the matter could be remitted to the Cabinet for a decision if the decision was not in fact taken by Full Council under paragraph (a) above or
- (c) instruct the Cabinet to reconsider the matter and reach a decision which is in accordance with the existing Policy Framework and the Budget or with any other recommendations Full Council is minded to make (e.g. a special exception).

MEETINGS OF FULL COUNCIL

27. Types of Meeting

- (a) Full Council shall hold an **Annual Meeting** each year, to be held on such day in the month of March, April or May as the Council may determine.
- (b) The Council may in every year hold, in addition to the Annual Meeting, such other meetings on such days as it may determine which shall be called **Ordinary Meetings**.
- (c)* *A meeting called by the Mayor (or, in the absence of the Mayor, by the Deputy Mayor) or otherwise called under the provisions of paragraph 3 of Part I of Schedule 12 of the Local Government Act 1972 is referred to as an “**Extraordinary Meeting**”.*
- (d) If required by law or otherwise a **Special Meeting** may be held for the principal purpose of transacting a specific item or specific items of business.

28. Time of Meeting

All Ordinary Meetings of Full Council shall be held at 7.00 pm at Brent Civic Centre, or otherwise as determined by Full Council or, in the case of an Extraordinary Meeting, as determined by the Mayor, or if called other than by the Mayor, as determined by the Head of Executive and Member Services.

~~The Annual Council Meeting shall be held at Brent Civic Centre, or as otherwise determined by Full Council, at a time to be decided by the Head of Executive and Member Services.~~

29. Intervals

At any meeting of Full Council there may be an interval if the Mayor so directs and, if he or she does so direct, for such period as specified by him or her.

30*. Chair of Meeting

Any powers or duties of the Mayor in relation to the conduct of a meeting of Full Council may be exercised by the Deputy Mayor if present and chosen by the meeting to chair that meeting, or if the Deputy Mayor is not present or is not chosen by the meeting, by another councillor chosen by the meeting to chair the meeting.

31. Quorum of Meetings of Full Council

- (a)* *A quorum for a meeting of Full Council shall be one quarter of the whole number of members of the Council.*
- (b)* *If at the time appointed for the meeting and during the succeeding twenty minutes, a quorum of members shall not be present, no business shall be transacted.*
- (c) During any meeting of Full Council, the Mayor may require the division bell to be rung and if, one minute after the bell has been rung, the Mayor counts the number of members present and declares the meeting inquorate, the meeting shall stand adjourned.

- (d) The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned or if the Mayor does not fix a time, to the next ordinary meeting of Full Council.

32. The Annual Meeting

At the Annual Meeting of Full Council, the order of business shall be as follows:-

~~(a)* **Community Champion Awards:**~~

~~— Prior to any business being transacted at the meeting the Mayor will present the Community Champion Awards.~~

~~(ab)* **Mayor:**~~

~~To elect the Mayor for the following year.~~

~~(be) **Deputy Mayor:**~~

~~If so signified to receive the Mayor's intimation in writing of the appointment by the Mayor of a Councillor of the Borough to be Deputy Mayor.~~

~~(ce) **Vote of thanks to the outgoing Mayor**~~

~~The incoming Mayor will invite a vote of thanks to the outgoing Mayor~~

~~(de) **Election results and acceptance of office:**~~

~~To receive the report of the Chief Executive upon the result of the elections of Councillors to the several wards of the borough held on the day fixed for the purpose by the Secretary of State pursuant to the provisions of the Local Government Act 1972 and the acceptance of office of Councillors elected.~~

~~(ef) **Declarations:**~~

~~Declarations by members of any personal and prejudicial interests in any matter to be considered at the meeting.~~

~~(fg) **Minutes:**~~

~~To read and approve as a correct record the minutes of the last meeting or meetings of Full Council provided that if a copy has been circulated to each member of the Council not later than the date of issue of the summons to attend the meeting the minutes shall be taken as read.~~

~~(gh) **Agree the Constitution:**~~

~~To agree any changes to the Constitution.~~

~~(hi) **Political Balance:**~~

~~To review and determine under Section 15 of the Local Government and Housing Act 1989 or any re-enactment or modification thereof the allocation of seats on Council committees and other relevant bodies.~~

(ij) Appointments to committees and other bodies:

To appoint to the membership of Council committees and joint committees and other relevant bodies, forums and panels; to appoint the Chairs and Vice Chairs of the Council Committees, forums and panels and to agree the substitutes for members.

(jk) Meetings of Full Council:

Where possible to agree the days, hour and venue for meetings of Full Council in the forthcoming municipal year.

(kl) Other meetings:

To settle, as far as is considered advisable, the calendar of meetings for the forthcoming municipal year.

(lm)* Business required to be dealt with:

To deal with any other business expressly required by statute to be dealt with.

(m) Other Business

To consider any other business including any urgent business.

Business falling under (a), (b), (c) and (d) shall not be displaced, but subject thereto the foregoing order of business may be varied by the Mayor at his or her discretion

33. Community Champion Awards

The outgoing Mayor shall, at the Annual Meeting of Full Council and prior to any business being transacted, present the Community Champion awards and may invite persons on to the floor of the meeting to collect such awards. During the presentation of the awards only the Mayor and persons invited by the Mayor to do so may speak and for no longer than the period permitted by the Mayor. The Council shall convene for the Community Champion Awards and Annual Meeting in the Civic Centre or such other venue as the Mayor shall determine.

34*. Council Tax Setting

- (a) *A Meeting of Full Council shall be held each year on a day not later than 10th March or such later date as may be allowed by statute to set the level of Council Tax for the following Council Tax year and to deal with associated budgetary matters.*
- (b) At an ordinary meeting where council tax setting is to be decided items h, i, j and k in Standing Order 37 shall be replaced by the following:
- (c) The Leader shall present a report to the meeting setting out the Cabinet's proposals for the budget
- (d) The Chair of the Scrutiny Committee shall be allowed up to 10 minutes to present the findings of the committee. A procedural motion shall address the right to speak of the Group Leaders and the Lead Member for

Resources including time limits. There will then be general debate. Provision shall also be made in the procedural motion for the Leader of the Council to have the right to make closing remarks with a time limit specified. Following which a vote will be taken.

- (e) At an Ordinary Meeting where Council Tax Setting is decided there shall be no motions (item (m) under the Ordinary Council Meeting items of business).

35 [Paragraph number not in use]

36. Extraordinary meetings

- (a) An Extraordinary Meeting of Full Council may be called at any time by the Mayor, or in the absence of the Mayor, by the Deputy Mayor. References in the following paragraphs of this Standing Order to the Mayor shall include the Deputy Mayor acting in his or her absence.
- (b) If the Mayor refuses to call an Extraordinary Meeting of Full Council after a requisition for that purpose, signed by five members of the Council, has been presented to him or her, or if, without so refusing, the Mayor does not call an extraordinary meeting within seven days after the requisition has been presented to him or her, then, any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an Extraordinary Meeting of Full Council.
- (c) A requisition under paragraph (b) above for an Extraordinary Meeting of Full Council may be presented to the Mayor either personally or by leaving it with the, Head of Executive and Member Services or a member of his or her staff, who shall be empowered to receive the requisition on the Mayor's behalf. Any such requisition shall be accompanied by notice of the motion or motions to be debated at the Extraordinary Meeting. The requisition shall be marked with the date and time of receipt by the Mayor or the officer receiving it on the Mayor's behalf.

37. Ordinary Meetings

Unless otherwise provided in these Standing Orders the order of business at ordinary meetings of Full Council except those concerning a first reading debate or the Council tax setting shall be:-

- (a)* **Absence of Mayor:**

To choose a person to preside if the Mayor or Deputy Mayor is absent.

- (b)* **Business required to be dealt with first:**

If necessary, to deal with any business required by statute to be done before any other business.

- (c) **Minutes:**

To approve as a correct record and sign the minutes of the last meeting or meetings of Full Council.

- (d) **Declarations:**

Declaration by members of any personal and prejudicial interests and disclosable pecuniary interests in any matter to be considered at the meeting.

(e) **Mayor's announcements (including petitions received)**

(f) **Business from previous meetings:**

If necessary, to dispose of any business remaining from the last meeting of Full Council.

(g) **Appointments to Committees and Outside Bodies and Appointments of Chairs/Vice Chairs**

If necessary, to agree appointments to committees and outside bodies and to agree the appointment or replacement of Chairs and/or Vice Chairs of committees.

(h) **Reports from the Leader or members of the Cabinet**

To receive reports from the Leader or Cabinet in accordance with Standing Order 38

(i) **Deputations**

To enable deputations by Members of the public in accordance with Standing Order 39.

(j) **Questions from the Opposition and other Non Cabinet Members**

To enable questions to be put to the Cabinet in accordance with Standing Order 40.

(k) **Reports from the Chair of the Scrutiny Committee**

To receive reports from the Chair of the Scrutiny Committee in accordance with Standing Order 41

(l) **Other Business required to be dealt with:**

Including, by way of example but not limitation, election results, review of political balance, changes to the Constitution, recommendations from committees, and any other business required to be dealt with.

(m) **Motions**

To debate Motions selected by the groups in accordance with Standing Order 45.

(n)* **Urgent business:**

If the Mayor so agrees, to consider any urgent business.

Business falling under (a) to (f) shall not be displaced, but subject thereto the foregoing order of business may be varied by the Mayor at his/her discretion.

Where the Council is to consider a first reading debate item (j) does not take place.

Where the Council is to set the Council Tax items (h), (i), (j) and (k) will be replaced by the other items set out in Standing Order 34.

38. Report from Leader or Members of the Cabinet

(a) The Leader or other member(s) of the Cabinet shall be allowed up to 15 minutes to report to Full Council on any matter which is the responsibility of the Cabinet including but not limited to all or any of the following matters:-

(i) **Reports to be discussed at a First Reading Debate:**

Any initial report to be debated at a First Reading Debate in accordance with Standing Order 44, including the initial report on the annual budget

(ii) **Policy proposals referred to Full Council for approval following a First Reading Debate:**

Any proposed plan, policy or strategy which has been through a First Reading Debate and which is being presented by the Cabinet to Full Council for approval, the views (if any) of the Scrutiny Committee and the way in which those views were taken into account by the Cabinet;

(iii) **Other Policy proposals referred to Full Council for approval:**

Any other proposed plan, policy or strategy forming part of the Policy Framework or the Budget which is being presented by the Cabinet to Full Council for approval, the views (if any) of the Scrutiny Committee and the way in which those views were taken into account by the Cabinet;

(iv) **Approval to depart from Policy Framework or Budget:**

Any decisions which the Cabinet has purported to take or is minded to take which, in the reasonable opinion of the Chief Executive, Monitoring Officer or the Chief Finance Officer are, or would be, contrary to the Policy Framework or contrary to or not wholly in accordance with the budget approved by Full Council and in respect of which decision is sought from Full Council in accordance with Standing Order 18

(v) **Urgent decisions outside the Policy Framework and the Budget:**

Any decisions which the Cabinet has taken and which were contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget but which were taken in accordance with the urgency provisions in Standing Order 18 (to include the reasons for urgency);

(vi) **Urgent decisions not included in the Forward Plan:**

Any decisions which were not included in the Forward Plan but were taken by the Cabinet under the urgency provisions in Standing Order 16 and the reasons for such urgency;

(vii) **Urgent decisions called in:**

Any decisions which were called in for scrutiny and which were implemented under the urgency provisions in Standing Order 20 prior to consideration of the decision by the Scrutiny Committee and the reasons for urgency;

(viii) **Non-compliance with Access to Information Rules:**

Any decisions which the Cabinet have taken in respect of which the Cabinet should have but did not comply with those parts of the Access to Information Rules relating to such decisions and any decisions which the Scrutiny Committee has required the Cabinet to report to Full Council under the Access to Information Rules because it considers that the Cabinet did not comply with the Access to Information Rules relating to the decision;

(ix) **The response of the Cabinet to comments received:**

The response of the Cabinet to any other comments or recommendations received from, or being presented by, the Scrutiny Committee or Full Council;

(x) **Any recommendations to Full Council.**

39 Deputations

- (a) Deputations may be made by members of the public. Each deputation shall last not more than 5 minutes and there shall be a maximum of 3 deputations at any one council meeting on different subject matters. There shall be no more than one deputation made by the same person or organisation in a 6 month period and no repetition of the subject.
- (b) Any deputation must directly concern a matter affecting the borough and relate to a Council function. Deputations shall not relate to legal proceedings or be a matter which is or has been the subject of a complaint under the Council's complaints processes. Nor should a deputation be frivolous, vexatious, or defamatory. The Chief Legal Officer shall have discretion to decide whether the deputation is for any other reason inappropriate and cannot proceed.
- (c) Any person wishing to make a deputation shall give written notice to the Chief Legal Officer of the title and summary of the content of the deputation not less than 5 days before the date of the meeting.
- (d) If more than three deputations are received a ballot will take place three days before the Council meeting to select the deputations to be presented before the Council.

40. Questions from the Opposition and Non Cabinet Members

- (a) Not in use.

- (b) Non Cabinet members (except the Mayor and Deputy Mayor) will be permitted to put a maximum of 9 questions to the Cabinet on any matter which is the responsibility of the Cabinet. Each non-Cabinet member may only put one matter to the Cabinet in any one question time session. The 9 questions are to be divided as follows: 1 from each of the two main opposition groups, 1 from ~~the minority an~~ opposition member who is not a member of a group, and ~~6~~ from the administration group. ~~Such questions~~ to be provided to Head of Executive and Member Services not less than 5 days before the date of the meeting.
- (c) The party groups shall decide which of their members shall put the questions to the Cabinet.
- (d) Each non Cabinet member shall have up to 1 minute within which to put their question.
- (e) A member of the Cabinet shall have up to 2 minutes to respond to the question.

41. Report from the Chair of the Scrutiny Committee

- (a) The Chair of Scrutiny Committee may present reports on any matter in respect of which the committee has been consulted or which it has been reviewing or considering and shall be permitted to speak for up to 5 minutes thereon.
- (b) In the absence of the Chair, the report shall be presented by the Vice Chair of the Committee or, in the absence of the Vice Chair, by another member of the Committee selected for that purpose by the Chair or, if no person has been selected by the Chair, a person selected for that purpose by the Mayor or other person presiding at the meeting of Full Council.
- (c) The Chair or other person nominated to speak shall where appropriate include in his or her report:-
 - (i) details of the decisions or proposals of the Cabinet, which have been called in for scrutiny and are being referred to Full Council in accordance with Standing Order 20;
 - (ii) details of decisions or proposals of the Cabinet, other than those permitted to be made by the Cabinet under Standing Order 16 (urgency) or 19 (virement and in year changes to policy), which the Scrutiny Committee considers are or, if made, would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Council's budget and the recommendations to Full Council thereon;
 - (iii) details of the decisions of the Cabinet which the Scrutiny Committee considers were made by the Cabinet other than in accordance with those parts of the Access to Information Rules applicable to such decisions.

42. [Paragraph number not used]

43. [Paragraph number not used]**44. First Reading Debate**

At an Ordinary Meeting where the first reading debate is to take the place, item j, in Standing Order 37, shall be replaced by the following;

(a) The Leader shall present the initial report to the meeting setting out the budget or any plan, policy or strategy forming part of the Policy Framework

(b) Where a First Reading Debate is to be held in respect of the budget or any plan, policy or strategy forming part of the Policy Framework a period of 60 minutes shall be allowed for a debate on the budget or that plan, policy or strategy (or longer if the Mayor so agrees).

(c) The Leader shall have the right to respond.

(d) At the conclusion of the First Reading Debate, Full Council shall note the contents of the report and any other information submitted to it, the debate concerning any questions raised and any other relevant issues. The proposal may be referred to the Scrutiny Committee in accordance with Standing Orders 25 (c) and/or 26 (b) as the case may be.

45. Motions

(a) Members may put motions to council.

(b) A maximum of 3 motions will be put to Council at any one meeting (one per party group) which will be debated.

(c) Each group must give notice in writing of their motion to the Head of Executive and Member Services not less than 5 days before the date of the meeting. This shall include a copy of the Motion they are intending to move at the meeting. A copy of the motion shall be circulated to all members at least 2 days before the date of the meeting.

(d) The debate shall commence with the proposer being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Head of Executive and Member Services. Further speakers shall then be called by the Mayor.

(e) Up to 3 speakers shall be allowed for each motion (1 from each group), each limited to 2 minutes.

(f)

(f) The matter shall be put to the vote at the end of the debate.

(g) Any amendments to the motions can be accepted provided they are set out in writing to the Mayor prior to a vote taking place

46. Rules Of Debate For Meetings of Full Council

(a)* *Any motion or amendment to a motion may be moved without notice but must relate to an item of business specified in the summons for the meeting.*

- (b) Each amendment shall relate to the subject matter of the motion and shall not have the effect of negating the motion.
- (c) Motions or amendments to motions shall not be open to debate until formally moved.
- (d) Motions and amendments to motions which have not been circulated in advance of the meeting shall be read aloud before they are open to debate, and the Mayor will require that the motion or an amendment to a motion is written down and handed to him/her.
- (e) Procedural motions shall be put to the vote without discussion, provided that the Mayor may, in his or her absolute discretion, allow or require the proposer to give (for such brief period as the Mayor may allow) reasons for proposing the motion.
- (f) A member shall stand when speaking (if able to do so) and shall address the Mayor. If two or more members rise the Mayor shall call on one to speak.
- (g) Speeches shall be directed to the matter under discussion or to a personal explanation or to a point of order.
- (h) ~~(h)~~—No speech shall exceed three minutes except where otherwise provided in these Standing Orders or by the consent of Full Council and except for a Chair or the Leader replying to a debate whose speech shall not exceed five minutes. Any motion or amendment to a motion shall be put within the time allowed for the speeches.
- (i) With the exception of a Cabinet Member responding to a question put to the Cabinet by a non-Cabinet member, or a Chair of a committee or sub-committee replying to a debate on a report referred from the committee or sub-committee or where otherwise provided in these Standing Orders, a member shall not speak more than once on any item of business except on rising to a point of order or in personal explanation.
- (j) A member may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech by the member at the same meeting, which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.
- (k) Subject to the provisions of Standing Order 4(b) the ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (l) Whenever the Mayor rises during a debate, all those present then speaking or standing shall resume their seat and Full Council shall be silent.
- (m) A motion or amendment to a motion may be withdrawn or altered by the proposer of the motion or amendment with the consent of Full Council, which shall be signified without discussion. Where a motion is withdrawn there shall thereafter be no further debate on the item.
- (n) At the commencement of a debate, any member may move that only a specified number of members from each of the political groups shall be permitted to speak before a vote is taken or at the commencement of any meeting of Full Council or during the course thereof any member may move that only a specified number of members of each political group shall be permitted to speak on each motion or amendment thereto.

- (o) A member may move without comment at the conclusion of another member's speech: *"That the question be now put"*, *"That the debate be adjourned (to some stated time)"* or *"That the Council do now adjourn (to some stated time)"* on which the Mayor shall proceed as follows:-
- (i) On a motion that the question be now put, the Mayor shall first put that motion to the vote without further discussion; if it is passed the motion(s) and/or amendment(s) relating to the subject of the debate will then also be put to the vote;
 - (ii) On a motion to adjourn the debate or the meeting, the Mayor shall put that motion to the vote without further discussion; if it is passed the debate or meeting shall stand adjourned to the time stated; if the debate is adjourned the Council will proceed to the next item of business; if the meeting is adjourned no further business will be transacted until the adjourned meeting

AND no second motion that the question be now put or that the debate or meeting be adjourned shall be made during the consideration of the same business unless it shall be proposed by the Mayor.

- (p) The Mayor may at any time invite an officer to respond to any issue raised or question asked.

47. Voting

- (a) Prior to voting on a Motion there shall be put to the vote any amendments to that Motion that have been moved.
- (b)* *Amendments to Motions shall be taken in the order in which they were moved and shall be voted upon in succession unless, subject to the advice of the Chief Legal Officer or the Chief Executive, it is agreed by the meeting that the amendments shall be taken en bloc.*
- (c) The mode of voting at meetings of Full Council shall be by show of hands and, on the requisition of the leader of a political group, or of any member of the Council supported by 14 other members of the Council raising their hands, made before the vote is called, the voting on any question shall be recorded in the minutes of the meeting so as to show whether each member present gave their vote for or against that question or abstained from voting. Immediately after any vote is taken at a budget decision meeting of an authority on the budget or council tax there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- (d)* *Where immediately after a vote is taken any member so requires, there shall be recorded in the minutes whether that person voted for the question or against the question or abstained.*
- (e) Except in the case of a vote taken under any provision of Standing Orders 48 (Guillotine) 49 (Minutes) or 50 (Disorderly Conduct), at least one full minute before a vote is taken at a meeting of Full Council, the Mayor shall by way of announcement draw members' attention to the impending vote.
- (f) For the purpose of voting and for recording votes at meetings of Full Council, members shall be present and seated in their places.

- (g)* *In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.*
- (h)* *Once a vote has been taken on any matter, the matter shall not be reconsidered by the meeting other than to clarify any points or if the matter is a procedural matter only.*

48. The Council Guillotine Procedure

- (a) Every ordinary meeting of Full Council shall terminate no later than 10:00pm provided that Full Council may decide to adjourn the meeting to a specified date on a motion to this effect being proposed and put to the vote without discussion.
- (b) If the meeting is not adjourned, then any outstanding items of business shall be dealt with as follows:
- (i) in the case of reports from committees and sub-committees and reports of Chief Officers the Mayor shall invite motions to be proposed in respect of them. Any such motion(s) shall be moved without supporting comment and voted upon without debate. If no such motion is proposed, or if three successive motions are voted upon and defeated, the matter shall be adjourned to the next Ordinary Meeting of Full Council.
- (ii) any other business shall be adjourned to the next ordinary meeting of Full Council.

49.* Minutes

- (a)* *Minutes of any meeting of Full Council shall be put forward for approval as a correct record and for signing to the next ordinary meeting of Full Council or to the Annual Meeting whichever shall first occur.*
- (b) The Mayor shall put the question that the minutes of the meeting of the Council held on the day of be approved as a correct record.
- (c) No discussion shall take place upon the minutes except upon their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.
- (d) There shall be recorded in the minutes of any meeting of Full Council any declarations of interests made by members in accordance with the Brent Members Code of Conduct both in the minute concerning the declaration of interests item itself and in the minute concerning the item of business to which the declaration relates.

50. Disorderly Conduct

- (a) If at any meeting of any part of the Council any member is, in the opinion of the person chairing the meeting, guilty of misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, then the Chair or any other member may move "That [Councillor X] not be heard further", and the motion shall be put and determined without discussion.
- (b) If the member named is guilty of further misconduct after a motion under the foregoing sub-paragraph has been carried the Chair shall:-

- (i) move “That [Councillor X] shall now leave the meeting” and the motion shall be put and determined without discussion. If the Chair’s motion is carried and the member(s) concerned fail(s) to leave the meeting, the Chair shall take such action, as he/she deems appropriate in the circumstances to bring the member(s) concerned to order; or
- (ii) adjourn the meeting for such period, as the Chair shall consider expedient.
- (c) In the event of general disturbance which, in the opinion of the Chair of a meeting, renders the due and orderly despatch of business impossible, the Chair may adjourn the meeting for such period as the Chair shall consider expedient.
- (d) Members shall not at any time make any improper remark nor use unseemly language nor make offensive gestures nor make personal attacks on any person.
- (e) The Chair may call a member to order for irrelevance, repetition, imputation of dishonourable conduct or improper remark, unseemly language, offensive gestures or any breach of order and may direct a member if speaking to discontinue their speech.
- (f) If a member of the public interrupts the proceedings at any meeting the Chair shall warn them that if they continue to interrupt the proceedings of the meeting he or she may be removed from the meeting room, as the case may be. If they continue the interruption the Chair shall order their removal from the meeting room. In case of general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared.
- (g) Members of the press and public may be excluded from Council meetings either in accordance with the Access to Information Rules in part 6 of the Constitution or Standing Order 50(f).

51. Smoking and Mobile Phones at Meetings

- (a) No person shall smoke at any meeting of the Council or the Cabinet or a committee or sub-committee thereof.
- (b) Any mobile phone taken into a meeting is to be switched to silent for the duration of the meeting.

COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL**52. Standing Orders to apply to Council Committees and Sub-Committees**

- (a) The Standing Orders shall, where appropriate, apply with suitable modifications to meetings of committees and sub-committees of the Council except to the extent specified herein or to the extent that they are not necessary or relevant or would conflict with any other requirement in the Constitution in relation to that meeting including any code of conduct or code of practice.
- (b) In the event that there is any disagreement as to whether or not any part of these Standing Orders should or should not apply to a meeting of a committee or sub-committee whether with or without suitable modification the question shall be determined by the Chair on the advice from the Chief Legal Officer or the Head of Executive and Member Services or their representatives.

53. Appointments to and chairs of Council Committees and Sub-Committees

- (a) Full Council may appoint such Council committees as it is required or permitted to appoint, such committees to be set out in Part 5 of the Constitution, together with their terms of reference and the number of members to be appointed.
- (b) Full Council shall appoint a Chair for each of the Council Committees and if it so wishes a Vice Chair.
- (c) The vice chair of the Scrutiny Committee shall be from a different political group as the chair.
- (d) Full Council may at any time dissolve a committee or remove any of its members or change the size of its membership.
- (e) Other than in the case of the Alcohol & Entertainment Licensing sub-committees, Full Council shall determine the extent to which any functions may be exercised by any sub-committee and the terms of reference will be set out in Part 5 of the Constitution. In the case of the Alcohol and Entertainment Licensing sub-committees the Alcohol & Entertainment Licensing Committee will determine the extent to which any functions may be exercised by them and will agree their terms of reference
- (f) Appointment of the Council's sub-committees and agreeing the number of members to be appointed shall be by the parent committee and the Chair and (if considered necessary) Vice Chair of the sub-committees shall be appointed by the parent committee.
- (g) No councillor may be appointed to any committee or sub-committee so as to hold office later than the next Annual Meeting or the meeting of Full Council which meets after the next Annual meeting to agree appointments to committees.
- (h) Co-opted members may be appointed to committees and sub-committees in accordance with Standing Order 54 and the rules for membership for committees and sub-committees contained in Part 5 of the Constitution.

54. Independent and Co-opted Members

- (a) The Council shall appoint one co-opted non-voting Member to its Standards Committee and one co opted non voting member for the Audit Committee.The

Council shall also appoint up to 4 non voting co opted members on its Corporate Parenting Committee.

- (b) The co opted Members shall hold office for up to two years or until the date of the Annual Meeting nearest to the expiry of that two year period (or until the date of the meeting of Full Council that takes place after that Annual meeting to agree appointments to committees). Such appointments shall be subject to confirmation by Full Council at each Annual Meeting that follows the appointment (or at the meeting of Full Council that takes place after the Annual Meeting to agree appointments to committees as the case may be).
- (c) The membership of the Scrutiny Committee and any other Council committee or sub-committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the Cabinet shall include as Voting Co-opted Members, 2 parent governor representatives, 1 representative nominated by the Diocesan Board of Education for any Church of England Diocese which falls within the Council's area and 1 representative nominated by the bishop of any Roman Catholic Diocese which falls within the Council's area and such representatives shall be appointed by the appropriate appointing body.
- (d) The term of office of the parent governor Voting Co-optees appointed under paragraph (c) of this Standing Order shall be 3 years (or less if otherwise so determined by Full Council).
- (e) The membership of the Scrutiny Committee and any other Council Committee or sub-committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the Cabinet may include 2 Non Voting Co-opted Members who represent the governing bodies of schools which are faith schools not covered in paragraph (c) above and such representatives shall be appointed by the appropriate appointing body.
- (f) A Co-opted Member appointed under this Standing Order shall be entitled to receive all papers and take part in the entire discussion that takes place at a meeting of the relevant committee or sub-committee and Voting Co-opted Members shall be entitled to vote on any question which falls to be decided at the meeting and which relates to any education functions which are the responsibility of the Cabinet as determined by the Chief Legal Officer or his or her representative.
- (g) No Voting Co-opted Member appointed by Full Council shall be entitled to act as a Co-opted Member until they have delivered to the Monitoring Officer a signed undertaking agreeing to be bound by the Brent Members Code of Conduct and shall register any interest which by that Code they are required to so register in the Register of Member Interests.
- (h) No Non-voting Co-opted Member shall be entitled to act as a Non Voting Co-opted Member until they have delivered to the Monitoring Officer a signed undertaking in a form notified to them by the Chief Legal Officer.

55. Appointment of and Changes to Substitute Members

- (a) The Council may appoint a pool of substitute members from which a member may be selected to speak and vote in the absence of a member of the committee provided that the substitute member is not already a member of the committee. Each pool shall number up to the number of members comprising membership of the committee and be divided according to the political balance on the committee, save that where a group has only one member on the committee up to two members may be appointed to the pool. A member of a committee (or the appropriate Group Whip) shall notify the Head of Executive and Member Services at least two hours before a meeting that a substitute member will be attending in their place.
- (b) A parent committee may appoint a pool of substitute members to its sub-committees in the same manner as is described in (a).
- (c) No member is able to act as a substitute for more than one primary member of the committee at any one time.
- (d) Any member acting as a substitute shall notify the meeting as soon as he or she arrives, and once the meeting has received such notification, that member shall be duly appointed for the remainder of the meeting (which, for the avoidance of doubt, includes a meeting adjourned to continue on a subsequent day) to the exclusion of the member for whom he or she is substituting-.

56. Special Meetings of Committees or Sub-Committees

The Chair of a committee or sub-committee, or in the absence of the Chair, the Vice Chair may, if necessary, call a meeting of that committee or sub-committee at any time. A meeting of a committee or sub-committee may also be called upon the requisition of a third of the whole number of the committee or sub-committee (including any voting co-opted members), delivered in writing to the Head of Executive and Member Services provided that the number of members so calling the meeting shall not be less than 3. Meetings called under this Standing Order shall be known as a Special Meeting.

57. Adjournment and Cancellation of Meetings of Committees and Sub-Committees

- (a) The Chair of a committee meeting may specify a time at which the committee shall adjourn for twenty minutes or two times at which the committee shall adjourn for ten minutes save that in the case of the Alcohol and Entertainment Licensing Sub-Committee and the General Purposes Committee (when considering a licensing hearing or appeal) , the person chairing the meeting may adjourn a hearing for any period, or to a new date that they deem necessary.
- (b) The Chair, or in the absence of the Chair, the Vice Chair may authorise the cancellation of a meeting of a committee or sub-committee on the grounds of lack of business. He/she may postpone and rearrange the date and/or time of a meeting of a committee or sub-committee after consultation with the Head of Executive and Member Services

58. Chairing Meetings of Committees and Sub-Committees

- (a) The Chair shall preside at meetings of committees and sub-committees. If the Chair is not present for a meeting then the Vice Chair shall chair it but if the Chair arrives then he or she shall take over chairing the meeting at a convenient moment. If neither the Chair nor Vice Chair are present at a meeting then the

Chair for that meeting shall be elected by the persons present but if the Chair or in his or her absence the Vice Chair arrives then he or she shall take over chairing the meeting at a convenient moment.

- (b) For the purpose of this Standing Order the word “present” means physically present in the room in which the meeting is to take place.
- (c) The Chair of the Scrutiny Committees shall seek to ensure that the Standing Orders and any other rules or protocols forming part of the Constitution are adhered to.

59. Quorum of Committees and Sub-Committees

No business shall be transacted at a meeting of a committee or sub-committee unless at least one quarter of the whole number of its voting members, or three of its voting members, whichever is greater, are present (“the quorum”) save that in respect of the Alcohol & Entertainment Licensing Sub-Committees the quorum shall be two. After a meeting has commenced if at any time it becomes inquorate no further business shall be transacted and the meeting shall stand adjourned.

60. Speaking Rights of Members of the Public.

- (a) This Standing Order shall not apply to meetings of the Planning Committee or the Alcohol & Entertainment Licensing Sub-Committees.
- (b) Except as set out in this Standing Order or Standing Orders 68 (e)(ii) (Petitions) and 69 (Deputations), no member of the public shall be permitted to speak at a meeting of a committee or sub-committee of the Council unless invited by the Chair of the meeting to do so who shall specify the period allocated to the member of the public to speak which shall usually be up to 2 minutes except in special circumstances in which case up to 3 minutes shall be permitted.
- (c) Except in the case of a person representing a deputation under Standing Order 69, any member of the public who wishes to address a meeting of a committee or sub-committee concerning an item of business on the agenda for the meeting in question shall give notice to the Head of Executive and Member Services or his or her representative prior to the commencement of the meeting of their wish to address the committee. Normally such notice shall be given at least 24 hours before the commencement of the meeting and the Head of Executive and Member Services shall keep a record of the order of receipt of such notices. Where a person indicating s/he wishes to address the committee has not given such a notice, the Chair shall decide whether s/he shall be permitted to speak.
- (d) Where more than one person wishes to speak on the same item of business under paragraph (b), the Chair shall have the discretion to limit the number of speakers and in so doing will take into account the order in which notices of a wish to speak were received by the Head of Executive and Member Services .
- (e) Where a report from or concerning a relevant Consultative Forum is before the Scrutiny Committee and the Chair or any other representative of the Forum is present at the meeting and that person has given notice to the Head of Executive and Member Services prior to the commencement of the meeting of their wish to address the meeting on that item of business that person shall be entitled to address the committee for not more than 3 minutes (unless a longer period is permitted by the Chair) on that item of business. Normally such notice shall be given at least 24 hours before the commencement of the meeting and the Head of Executive and Member Services shall keep a record of the order of receipt of

such notices. Where the Chair or any other representative of the Forum has not given such a notice but wishes to address the committee, the Chair shall decide whether s/he shall be permitted to speak which shall be for not more than 3 minutes unless a longer period is permitted by the Chair.

61. Speaking rights at Planning Committee

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission, any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application, the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants, the Chair and members of the Committee may ask them questions after they have spoken.
- (b) Persons wishing to speak to the Committee shall give notice to the Head of Executive and Member Services or his or her representative prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting, the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with calling members of the public to speak on that matter.

62. Members' rights to attend and speak at Committees

- (a) Subject to (c) below, members of the Council shall be entitled to attend meetings of Council committees and sub-committees of which they are not members other than the Senior Staff Appointments Sub-Committee and the Staff Appeals Sub-Committees.
- (b) Members attending meetings of committees or sub-committees of which they are not members shall not be entitled to speak except with the permission of the Chair and in no case shall they be entitled to vote. However, at meetings of the Alcohol and Entertainment Licensing Sub-Committees, only members who have made relevant representations or are representing a ~~n-interest~~ party, will have the right to speak. They will not have the right to vote at such meetings.
- (c) Members may be excluded from a meeting of a committee or sub-committee of which they are not a member if the meeting has excluded the press and public during consideration of any confidential or any exempt information listed in categories 1, 2, 4, 5 and 7 – 10 of the Table set out in the Access to Information Rules or category 3 of that Table where it relates to any terms proposed by or to the authority in the Course of negotiations for a contract.

63. Requirement to Attend Entire Meeting

- (a) No member shall be entitled to take part in or vote at a meeting of the Senior Staff Appointments Sub-Committee or the Staff Appeals Sub-Committee unless the member is present for the entire meeting.
- (b) No member shall be entitled to vote on any item being considered by the Planning Committee, the General Purposes Committee (~~—~~when hearing a licensing application or appeal) and the Alcohol and Entertainment Licensing Sub-Committees unless the member is present for the entire discussion of that item.
- (c) No member of the Standards Committee shall be entitled to take part in or vote on any item relating to the conduct of individual members of the Council unless the member is present for the entire discussion of that item.

64. Any Other Urgent Business as an Agenda Item

At all meetings of Council committees and sub-committees that are not special meetings, there shall be an item on the agenda entitled 'Any Other Urgent Business'. Any member of the committee or sub-committee as the case may be who wishes a matter to be raised under this Agenda heading shall give written notice to the Head of Executive and Member Services or his or her representative prior to the commencement of the meeting concerned specifying the nature of the business they would like to raise under this Standing Order. The committee or sub-committee shall only consider such business in respect of which notice has been given in accordance with this Standing Order and which the Chair has certified as urgent under S100B of the Local Government Act 1972.

65. Voting in Committees and Sub-Committees and recording dissent

- (a) In the case of Planning Committee, if members are minded to grant planning permission contrary to the recommendation of officers then the matter shall be deferred until the next meeting of the committee and no decision shall be taken on that matter until that next meeting.
- (b) In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.
- (c) Voting at a meeting of a committee or sub-committee shall be by show of hands.
- (d) On the requisition of one member of the committee or sub-committee made before any vote is taken by show of hands and supported by not less than half of the members of the committee or sub-committee then present, voting shall be recorded so as to indicate whether each member present has voted for the motion, against it or abstained.
- (e) Where immediately after a vote is taken any member of the committee or sub-committee so requires, there shall be recorded in the minutes whether that person voted for the question or against the question or abstained.

66. Time and duration of meetings of Committees and Sub-Committees

- (a) Subject to paragraph (b) below, the time specified on the summons for commencement of a committee or sub-committee meeting shall not be later than 9.30pm unless the Chair is satisfied on reasonable grounds that:-

- (i) each item of business to be transacted at that committee or sub-committee meeting should be dealt with as a matter of exceptional urgency; and
 - (ii) the meeting cannot be called to commence at an earlier hour without undue inconvenience.
- (b) The summons for a committee or sub-committee meeting may specify that the meeting will commence at the time specified on the summons or upon the rising of another meeting of the Council, committee or sub-committee, if later.
- (c) Subject to paragraphs (d) and (e) below, transaction of business at every committee or sub-committee meeting shall end no later than 10.00pm provided that if at 10.00pm there is business not yet dealt with which the committee or sub-committee considers would be more conveniently dealt with on that day rather than on a subsequent day, the meeting may continue until not later than 10.30pm in accordance with the following procedure (which shall be known as “the guillotine procedure”):-
- (i) the meeting shall identify those items of business to be transacted;
 - (ii) unless the meeting decides otherwise, the items of business so identified will be taken in the order determined by the last procedural resolution establishing the order of business, or, in the absence of such a procedural resolution, in the order set out in the agenda accompanying the summons for the meeting;
 - (iii) members will be permitted to ask questions of officers but will not be allowed to make speeches unless the meeting decides otherwise.
- (d) The Planning Committee, the Alcohol & Entertainment Licensing Sub-Committees, the General Purposes Committee (when hearing an appeal) and the Standards Committee may by majority vote taken no later than 10.00pm, decide to:-
- (i) fix such time as they may choose for the transaction of business to end provided that no business shall be transacted later than midnight; and/or
 - (ii) disapply the guillotine procedure entirely or fix such later time as they may choose for that procedure to commence.
- (e) Paragraph (c) above shall not apply to:-
- (i) meetings of the Senior Staff Appointment Sub-Committee or the Staff Appeals Sub-Committee; and
 - (ii) any meeting of a committee called to determine the size and political balance or membership of one or more of its sub-committees or to remove or appoint the Chair or Vice Chair of such a sub-committee.
- (f) Any items not dealt with at the time a meeting closes shall be considered at the next meeting of the same committee or sub-committee or at such earlier meeting of that committee or sub-committee as the Chair shall determine.
- (g) Where a meeting is adjourned to a subsequent day to transact remaining business, the committee or sub-committee shall, notwithstanding that adjournment, have power to deal with the business in question at any earlier meeting on the summons or agenda for which the relevant business is specified.

67. Minutes of Committees and of Sub-Committees

- (a) Minutes of each committee or sub-committee meeting shall be put before the next suitable meeting of that committee or sub-committee for approval as a correct record. No discussion shall take place upon the minutes except as to their accuracy and as soon as they are approved as a correct record the Chair shall sign them.
- (b) Minutes of each sub-committee meeting shall be submitted to the next suitable meeting of the relevant parent committee for information.
- (c) Under "Matters Arising from the Minutes" members may seek information on the current position but no motion to vary or rescind the minutes nor any other motion may be permitted.
- (d) Minutes taken at hearings of the Alcohol & Entertainment Licensing Committee and Sub Committees must be kept for 6 years from the date of the Sub Committees determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal if later.

67A. Rights of Certain Committees and Sub-Committees to require attendance of members and officers

- (a) If the Audit Committee so agrees then any member of the Cabinet or any officer of the Authority (not normally below the level of director or service unit manager) shall, upon receiving reasonable notice so to do, (which will not normally be less than 2 weeks notice) attend a meeting of the committee to answer appropriate questions from the members of that committee on any matter falling within its remit.
- (b) The Audit Committee may decide to request the attendance of any other person, not covered by paragraph (a) above, at a meeting of the committee.
- (c) If the Scrutiny Committee agrees or if at least 40% of the members of the committee so request by giving notice to the Head of Executive and Member Services then any member of the Cabinet or any officer of the Authority (not normally below the level of director or service unit manager) shall, upon receiving reasonable notice so to do, (which will not normally be less than 2 weeks notice) attend a meeting of the relevant committee to answer appropriate questions from the members of that committee on any matter falling within its remit including any matter called in under Standing Order 18.
- (d) The Scrutiny Committee may decide to request the attendance of any other person, not covered by paragraph (c) above, at a meeting of the committee.

PETITIONS AND DEPUTATIONS

68. Petitions

- (a) Any person who wishes to submit a petition under these rules on their own behalf or on behalf of an organisation shall deliver it either in paper form to the office of the Head of Executive and Member Services during office hours or electronically on the Council's website. This must be at least **8 days** before the relevant decision (if the petition concerns a specific decision) is due to be taken.
- (b) No petition shall go forward unless it concerns matters affecting the borough and is signed by at least 5 people who either live, work or study in the borough.
- (c) The Head of Executive and Member Services will establish how many valid signatures the petition has.
- (d) Petitions with between **5 and 50** valid signatures:
 - (i) Any such petition shall be referred to the relevant Service Area or Strategic Director who will be responsible for ensuring that the petition is responded to and taken into account in the decision making process as appropriate;
 - (ii) In the case of any such petitions which relate to a matter which is or could be the responsibility of the Planning Committee the signatures may count as an objection to a development in which case the petition will be considered by the Planning Committee when it considers the matter in question. The Strategic Director of Regeneration and Growth shall decide whether the signatures count as an objection.
- (e) Petitions with **50** or more valid signatures:
 - (i) Any such petition shall be notified to the Chair of the Scrutiny Committee and to the relevant Service Area or Strategic Director;
 - (ii) Petitions concerning specific decisions planned to be made shall be referred to the decision maker. If the decision maker is a Council committee or sub-committee or the Cabinet rather than an individual then one person representing the petitioners will be entitled to address the planned meeting of the Council committee or sub-committee or the Cabinet (as the case may be) for up to 5 minutes concerning the petition. Petitions relating to specific decisions to be made by Full Council shall be considered by the next scheduled meeting of the General Purposes Committee or if the next meeting of the General Purposes Committee is scheduled to take place after the relevant meeting of the Full Council then it shall be considered by the Cabinet. The General Purposes Committee or the Cabinet as the case may be may, if it sees fit, make recommendations concerning that petition to Full Council.
 - (iii) Petitions not concerning specific decisions planned to be made shall be referred to the Cabinet or to the Council committee or sub-committee (if any) within whose terms of reference the subject matter of the petition falls as determined by the Chief Legal Officer or Head of Executive and Member Services. If it concerns a decision that may be taken at a meeting on some future date then it shall be considered at that future meeting. In all other cases it shall be considered at the next convenient meeting.

- (f) At every Ordinary Council Meeting, a list of petitions containing 50 or more valid signatures will be circulated to members of the Council setting out the progress that has been made in dealing with those petitions. The Mayor will refer to this list under the Mayor's Announcements. The list will contain the information set out below, provided this has been received by the Head of Executive and Member Services twelve or more days prior to the meeting.
- (g) The information to be included in the schedule described in the previous paragraph is as follows:
- (i) the date the petition was received or closed on-line;
 - (ii) the name of the person who submitted the petition if a name was given;
 - (iii) the subject of the petition;
 - (iv) the terms of the petition;
 - (v) the name of the committee or person to whom the petition has been referred for action, the date of that referral, and the action taken by that body or person thus far.
- (h) Where the Cabinet or a Council committee or sub-committee considers a petition it shall note the petition and may:-
- (i) make a decision concerning the matter if it has sufficient information before it to do so. This will normally mean an officer's report;
 - (ii) refer it to the Scrutiny Committee for consideration or further research;
 - (iii) hold an inquiry or public meeting;
 - (iii) call for an officer's report to be brought to a future meeting; or
 - (iv) refer it to the relevant officer for a formal response.
- (i) Where the Scrutiny Committee considers a petition it shall note the petition and may:-
- (i) call for an officer's report to be brought to a future meeting;
 - (ii) make recommendations to the Cabinet or the relevant referring committee concerning it; or
 - (iii) refer it to the relevant officer for a formal response.
- (j) If the organiser of a petition feels the Council has not dealt with their petition properly then they may request the Scrutiny Committee to review the steps the Council has taken in response to the petition and that committee may¹:
- (i) decide there is no case to answer¹;
 - (ii) ask for an investigation into how the petition was dealt with¹; or
 - (iii) make recommendations to the Cabinet.

- (k) This Standing Order does not apply to the Alcohol and Entertainment Licensing Sub-Committees. Any petitions received in respect of any alcohol and entertainment license shall be dealt with as set out in the procedure for hearings relating to the Alcohol and Entertainment Licensing Sub-Committees.

69. Deputations

- (a) With the exception of the Standards Committee, the General Purposes Committee (when considering licensing applications or appeals), the Alcohol & Entertainment Licensing Sub-Committees and the Planning Committee the first 20 minutes of every Council committee or sub-committee meeting (or such shorter time as is required) shall be allocated to receive deputations under this rule which shall be permitted where the following are met:
- (i) the committee or sub-committee has voted by a simple majority to receive such deputation;
 - (ii) the subject of the deputation is one which is on the agenda of the meeting concerned; and
 - (iii) notice of the deputation has been given to the Head of Executive and Member Services or his or her representative at least 24 hours before the start of the relevant meeting.
- (b) In respect of each deputation received, one person representing the deputation will be entitled to address the meeting for up to 5 minutes.

MISCELLANEOUS

70. Inspection of Lands, Premises etc.

Unless specifically authorised to do so by the Council or a committee, a member of the Council shall not issue any order in respect of any works which are being carried out by or on behalf of the Council or claim by virtue of their membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

SEALING AND SIGNING OF DOCUMENTS

71. Custody of Seal

The common seal of the Council shall be kept in a safe place in the custody of the Chief Legal Officer and shall be secured by two different locks, the keys or combination of which shall be kept by the Chief Legal Officer provided that the Chief Legal Officer may entrust the keys or combination temporarily to another officer of the Council.

72. Sealing of Documents

- (a) The Common Seal of the Council shall not be affixed to any document unless the transaction or decision to which the document gives effect is authorised by a person or body in accordance with the Constitution and is confirmed as being so authorised by the Chief Legal Officer or a member of his or her staff or a person nominated or authorised by him or her for that purpose.
- (b) The seal shall be attested by the Chief Legal Officer or a deputy or other person duly authorised by the Chief Legal Officer for that purpose and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the person who has attested the seal.

73. Contracts, agreements or transactions to be in writing and/or under seal

- (a) All contracts, agreements or transactions
 - (i) in respect of which there is no consideration
 - (ii) that exceed £500,000 in value over the life of the contract including contracts where the Council is providing goods, services or works to another body); or
 - (iii) which are grants that exceed the sum of £150,000

must be executed as a deed under seal in accordance with these Standing Orders. However this will not apply to contracts for insurance where the contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.

- (b) Any other contract, agreement or other transaction which is:
 - (i) £150,000 in value or more (in money or money's worth); or
 - (ii) relates to land or property

shall be in writing and shall EITHER be executed as a deed under seal in accordance with these Standing Orders OR be signed by two officers who are either Chief Officers or officers duly authorised in accordance with the Constitution by the Chief Officer under whose authority the contract is entered into. However this will not apply to contracts for insurance where the contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.

- (c) Other contracts shall be executed under seal if the relevant Chief Officer or the Chief Legal Officer considers that to do so would be in the Council's best interest.

- (d) Contracts below £150,000 shall be in writing (which includes the Council's official order form) and signed in accordance with the Financial Regulations or any relevant financial procedures issued by the Chief Finance Officer. However this will not apply to contracts for insurance where the contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.

STANDING ORDERS RELATING TO STAFF**74. Declaration by Candidates**

- (a) The Director Human Resources ~~and Administration~~ will draw up a statement requiring any candidate for appointment as an officer to disclose any relationship to a councillor or employee of the Council.
- (b) No candidate related to a councillor or a Chief Officer or the partner of such a person should be appointed without the authority of the Chief Executive.

75. Seeking Support for Appointment

- (a) Any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council shall be disqualified and wording to this effect shall be included in any recruitment information.
- (b) No councillor will seek support for any person for any appointment with the Council nor give a written reference or testimonial for any person for any appointment with the Council.

76. Appointment and Dismissal of Staff not Covered by Standing Order 77 or Standing Order 81A (Director of Public Health)

- (a) Appointment and dismissal of, and taking disciplinary action against, a person appointed to or holding a paid office or employment under the Council (as defined by the Local Authorities (Standing Orders) (England) Regulations 2001) must be discharged, on behalf of the Council, by the Chief Executive or his or her nominee and may not be discharged by councillors. This is subject to paragraph (c) below and except in the case of the posts mentioned in Standing Order 77(b) and 81A or in the case of a person appointed in pursuance of section 9 of the Local Government and Housing Act 1989 (assistants for political groups).
- (b) The persons who have been nominated by the Chief Executive pursuant to paragraph (a) above are those listed in Paragraph 2.4 of Part 4 of the Constitution and persons authorised by them to act on their behalf.
- (c) Members will not be involved in the dismissal of any officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or in accordance with Standing Orders 79 or 80 or where the dismissal is required to be made by members by virtue of any legislative provision or any term or condition of any contract of employment.
- (d) In the case of the appointment or dismissal of the Director Human Resources ~~and Administration~~ the acts required under these Standing Orders Relating to Staff to be done by the Director Human Resources ~~and Administration~~ shall instead be done by the Chief Executive or a person nominated by him or her for that purpose.

77. Appointments to Senior Management Posts

- (a) The Director Human Resources ~~and Administration~~ shall be consulted on all appointments to posts covered by this Standing Order. 'Appointments' in this Standing Order 77 refers to permanent appointments. Fixed terms and interim appointments to Senior Management posts are addressed in Standing Order 77A below.

- (b) This Standing Order shall apply to the posts of:-
- (i) the Chief Executive;
 - (ii) any director (or other senior officer) reporting directly or being directly accountable to the Chief Executive;
 - (iii) statutory Chief Officers being:
 - the Strategic Director Children and Young People (acting as the Director of Children's Services appointed under section 18 of the Children Act 2004);
 - the Strategic Director Adults (acting as the Director of Adult Social Services appointed under section 6 (A1) of the Local Authority Social Services Act 1970 as amended by the Children Act 2004);
 - the Chief Finance Officer appointed under section 151 of the Local Government Act 1972;
 - (iv) any officer who, as respects all or most of the duties of his or her post, is required to report directly or is directly accountable to the Full Council itself or any committee or sub-committee of the Authority;
 - (v) the Monitoring Officer;
 - (vi) any Operational Director reporting directly to a Strategic Director or the Chief Executive ;
 - (vii) the following other officers:
 - the Head of Revenues and Benefits.
- (c) The posts mentioned in paragraph (b) above may only be created, amended (other than a minor variation) or deleted by the Cabinet following consideration of a report from the Chief Executive or other officer nominated by him or her setting out the proposed job description and person specification for that post and/or the reasons for the creation, amendment or deletion of the post and any legal or financial or other implications arising there from.
- (d) The terms and conditions of any of the posts mentioned in paragraph (b) above and the grading structure to be applied to them may only be determined by the General Purposes Committee.
- (e) The posts mentioned in paragraph (b) above may only be appointed to by the Senior Staff Appointments Sub-Committee (*which sub-committee shall include at least one member of the Executive**),
- (f) Unless it is intended that the appointment shall be made exclusively from among existing officers (e.g. where one or more officer is entitled to a ring fenced interview under the Council's Human Resources procedures) paragraphs (g) – (i) below shall apply to the appointment to any of the posts mentioned in paragraph (b) above.
- (g) The Chief Executive or another Chief Officer authorised by him or her shall arrange for the post to be advertised in such a way as is likely to bring it to the attention of persons who meet the person specification criteria to apply, and shall

arrange for a copy of the job description and person specification to be sent to any person on request. Where no person able to meet the person specification criteria has applied, the post shall be re-advertised as before.

- (h) The Chief Executive or another officer nominated by him or her may draw up a shortlist of applicants from those applicants that applied for a post and submit it to the Chair of the Senior Staff Appointments Sub-Committee together with copies of all applications received. If the Chair does not concur with the shortlist prepared by the officer, a meeting of the Senior Staff Appointments Sub-Committee shall be held to determine the shortlist. If the Chair does concur then the shortlist prepared by the officer shall stand.
- (i) The Senior Staff Appointments Sub-Committee shall invite for interview all qualified applicants or a short list of qualified applicants drawn up in accordance with paragraph (h) above where applicable and the interviews shall be conducted in accordance with the Council's recruitment policies and procedures in place from time to time.
- (j) Following any interviews of candidates for a post specified in (b) above no offer of appointment shall be made until the following paragraphs have been complied with.
- (k) The Chair of the Senior Staff Appointments Sub-Committee shall notify to the Director Human Resources ~~and Administration~~ (or such other appropriate officer) the name of the person to whom it wishes to make an offer together with any other particulars the sub-committee considers are relevant to the appointment.
- (l) The Director Human Resources ~~and Administration~~ (or such other appropriate officer) shall forthwith notify to every member of the Cabinet :
 - (i) the name of the person to whom the sub-committee wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the sub-committee has notified to him or her; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Director Human Resources ~~and Administration~~ (or such other appropriate officer) and the Chair of the sub-committee.
- (m) The Leader shall within the period specified in the said notice notify the Director Human Resources ~~and Administration~~ (or such other appropriate officer) and the Chair of the Senior Staff Appointments Sub-Committee of any objection which the Leader or any other member of the Cabinet has to the proposed appointment.
- (n) If no such objection is received by the Director Human Resources ~~and Administration~~ (or such other appropriate officer) or the Chair of the Senior Staff Appointments Sub-Committee the Director Human Resources ~~and Administration~~ may proceed to offer the appointment to the successful candidate. If an objection is made the Senior Staff Appointments Sub-Committee shall reconvene with, as far as is reasonably possible, the same members to consider the objection and to consider whether to confirm the appointment. If the sub-committee is satisfied that the objection is not material or is not well founded then the Director Human Resources ~~and Administration~~ may proceed to offer the appointment to the successful candidate.

- (o) In the case of an appointment to the post of Chief Executive the proposed appointment must be approved at a meeting of the Full Council before an offer of appointment is made.
- (p) Prior to the appointment of any person to any post within section 2(8) of the Local Government and Housing Act 1989 which is not otherwise covered by paragraph (b) above the procedure set out in paragraphs (j) to (m) shall be followed save that any references in those paragraphs to the Senior Staff Appointments Sub-Committee shall be to the relevant appointing officer.

77A Interim and fixed term appointments to Senior Management posts

- (i) Decisions to appoint to Senior Management Posts as defined in Standing Order 77(b) (ii) – (v) which are not permanent appointments but are interim appointments or fixed term contracts for less than one year be made by the Chief Executive
- (ii) Upon appointment to a post as defined in Standing Order 77(b) (ii) – (v) on an interim or fixed term basis the Chief Executive shall inform the General Purposes Committee setting out the process for selection and the timescales for a permanent appointment.
- (iii) The General Purposes Committee shall be informed of any recommendation for an extension of the interim arrangements beyond a year to a post defined in Standing Order 77(b) (ii) – (v)
- (iv) Any interim appointment to the post of Director of Public Health shall be in accordance with (i) – (iii) above
- (v) Decisions to appoint to Senior Management posts as defined in Standing Order 77 (b) (vi) – (vii) which are interim appointments or fixed term contracts be made by the Chief Executive
- (vi) The appointment of an Interim Chief Executive shall be considered by a sub-committee of General Purposes Committee which shall include the Leader, Deputy Leader and a Leader of an opposition party as decided by the Leader.

78. Disciplinary action against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer

- (a) Except as described in paragraph (b) below, no disciplinary action (as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) may be taken in respect of the Chief Executive, Monitoring Officer or Chief Finance Officer other than in accordance with Standing Order 79.
- (b) The Chief Executive, Monitoring Officer and Chief Finance Officer may be suspended by the General Purposes Committee for the purpose of investigating the alleged misconduct occasioning the action. That suspension will be on full pay and, if it lasts longer than two months from the date it took effect, it will be reviewed by the General Purposes Committee.

79. Dismissal from Senior Management Posts

- (a) Any proposal to dismiss a person from any of the posts mentioned in Standing Order 77(b) shall be notified to the Director Human Resources ~~and Administration~~ together with any other particulars that the person or body proposing the dismissal considers are relevant to the dismissal and no notice of dismissal shall be given unless the following paragraphs have been complied with.
- (b) The Director Human Resources ~~and Administration~~ shall forthwith notify every member of the Cabinet:

- (i) the name of the person whom it is intended to dismiss;
 - (ii) any other particulars relevant to the dismissal which have been notified to the Director Human Resources ~~and Administration~~; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader of the Cabinet on behalf of the Cabinet to the Director Human Resources ~~and Administration~~.
- (c) The Leader shall within the period specified in the notice notify the Director Human Resources ~~and Administration~~ of any objection which the Leader or any other member of the Cabinet has to the proposed dismissal.
- (d) If no such objection is received by the Director Human Resources and Administration, the Director Human Resources ~~and Administration~~ may proceed to give notice of the dismissal to the employee. If an objection is made the person or body proposing the dismissal shall consider whether to proceed with the dismissal. If satisfied that the objection is not material or is not well founded then the Director Human Resources ~~and Administration~~ may proceed to give notice of the dismissal to the employee.
- (e) In the case of the dismissal of the Chief Executive, Monitoring Officer or the Chief Finance Officer, the proposed dismissal must be approved at a meeting of Full Council before notice of dismissal is given.
- (f) Before the taking of a vote at any such meeting Full Council must take into account, in particular:
- (i) any advice, views or recommendations of the Dismissal Advisory Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
- (g) (iii) any representations from the officer concerned.

80. Staff Appeals Against Dismissal

Appeals by members of staff at Operational Director level and below against dismissal for misconduct shall be heard by a more senior officer unless the Director of Human Resources considers it appropriate for the appeal to be heard by the Staff Appeals Sub-Committees.

Appeals by members of staff at Strategic Director level, or who report to the Chief Executive directly, against dismissal for misconduct shall be heard by the Staff Appeals Sub-Committees.

81. Political Assistants

An appointment of an assistant to a political group pursuant to section 9 of the Local Government and Housing Act 1989 shall be made in accordance with the wishes of that political group and in accordance with the provisions of that Act and any other applicable legislative provision.

The provisions include:

- (i) No appointment shall be made to any post allocated to a political group until the Council has allocated a post to each group which qualifies for one

- (ii) There shall be no more than one political assistant for each group that qualifies.
- (iii) Where a group does not qualify the group is prohibited from being allocated a political assistant.
- (iv) Where only one group has a membership of one tenth or more of the membership of the authority the groups qualifying shall be that group and the group with the next largest membership .
- (v) On application of these rules the Labour Group, and the Group comprising the Conservative ~~Party~~ and the ~~Brent ondesbury Park~~ Conservative Members, are each allocated political assistant posts. Appointment to each of these posts will be made only upon confirmation of the wishes of the relevant group given to the Head of Executive and Member Services by the leader of the group, or by a written statement signed by a majority of the members of the group given to Head of Executive and Member Services.

81A. **Appointment and Dismissal of the Director of Public Health**

- (a) The arrangements for the appointment of the Director of Public Health are set out in the National Health Service Act 2006 Section 73A (as amended by the Health and Social Care Act 2012). The Council must have regard to the statutory guidance issued concerning the recruitment and appointment processes
- (b) The Local Authority must act jointly with the Secretary of State in the appointment of a Director of Public Health
- (c) Before terminating the appointment of the Director of Public Health the Local Authority must consult the Secretary of State

CONTRACT STANDING ORDERS**82. Definitions**

The following definitions shall apply throughout these Contract Standing Orders (in alphabetical order):

Approved List	A list of contractors that meet the Council's minimum financial and technical criteria for specified types of services, supplies or works contracts.
Chief Officer	The Chief Executive and Strategic Directors.
Collaborative Procurement	Any arrangement between the Council and any other body under which the other body undertakes a procurement process with or on behalf of the Council.
Contracts Finder	A web based facility operated by or on behalf of the Cabinet Office for advertising tenders.
Contracts Register	The electronic register of contracts awarded by the Council and overseen by the Corporate Procurement Centre. .
Contract Value or Estimated Value	The contract's value or estimated value for the contract term excluding VAT.
E-Auction Facility	A web-based facility approved by the Chief Legal Officer which enables the electronic submission of prices for a Tender.
Electronic Tender Facility	A web-based facility approved by the Chief Legal Officer which enables the electronic despatch and receipt of Tender documents.
Electronic Tender Time Box	The feature within an Electronic Tender Facility which stores received Tenders and prevents viewing of them until after the appointed closing date and time.
European Procurement Legislation	The relevant EU Directives and corresponding UK Regulations as amended or replaced from time to time including the Public Contracts Regulations 2015 and the Public Contracts Regulations 2006.
EU Thresholds	The current EU thresholds under European Procurement

	<p>Legislation for the following types of contracts are:</p> <ul style="list-style-type: none"> • in the case of contracts for public works, £4,322,012 • in the case of contracts for services or supplies, £172,514 • in the case of contracts for Schedule 3 Services, £625,050 • in the case of contracts for public works concession contracts, £4,322,012
Framework Agreement	An agreement for a specified term under which contracts for the provision of particular services, supplies or works can be entered into ("called off") on agreed terms.
High Value Contract	Any contract that exceeds the values stated for Medium Value Contracts (under which different thresholds apply for services / supplies and construction / works).
Low Value Contract	<p>In the case of contracts for services (including Schedule 3 Services) or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of £25,000 and up to the amount which is the current EU Threshold for services and supplies contracts (which is currently £172,514).</p> <p>In the case of a contract for construction or works: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between £25,000 and up to £250,000, provided that the contract is classified as a contract for works and not services by the European Procurement Legislation.</p>
Local Brent Provider	A party that provides services, supplies or works and that is based or has a local office situated in a postcode area falling within the London Borough of Brent.
Medium Value Contract	<p>In the case of contracts for services (including Schedule 3 Services) or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between the amount which is the relevant EU Threshold for services or supplies contracts (which is currently £172,514) and £250,000.</p> <p>In the case of a contract for construction or works, a contract with an estimated value of between £250,000 and £500,000, provided that the contract is classified as a contract for works and not services by European Procurement Legislation.</p>

Member	An elected member of Brent Council.
Monitoring Officer	Chief Legal Officer .
Official Order	An order for services, supplies or works to the Council issued by an authorised officer using the Council's official order form.
OJEU	The Official Journal of the European Union.
Online Market Place	A web-based facility approved by the Chief Legal Officer which enables the procurement of specified types of services, supplies or works contracts.
Schedule 3 Services	Those social and other specific services listed in Schedule 3 of the Public Contracts Regulations 2015.
Tender	An offer or bid or tender from a party to provide services, supplies or works to the Council including any offer, bid or tender which is subject to negotiation.
Tender Acceptance	An acceptance in writing of a Tender.
Very Low Value Contract	A contract or commitment with a value from £0 to £25,000.

83. Contracts exempt from Contract Standing Orders

The following contracts are exempt from Contract Standing Orders:-

- (a) individual agency contracts for the provision of temporary staff (although it is mandatory to place such contracts through the Council's corporate agency staff arrangements, currently with Reed Specialist Recruitment Limited);
- (b) employment contracts;
- (c) contracts relating to an interest in land.

84. General Requirements

- (a) Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions AND shall be procured in accordance with all relevant domestic and European legislation and unless for good operational and/or financial reasons the Cabinet (or, if appropriate, the General purposes

Committee) agrees otherwise, with these Contract Standing Orders and the Council's Financial Regulations.

- (b) In addition to the powers of the Cabinet in paragraph 84(a) to grant an exemption from the requirement to procure in accordance with these Contract Standing Orders, the Chief Finance Officer is also able to grant such exemptions:
- (i) on grounds of extreme urgency
 - (ii) where the exemption sought is in relation to the requirement to obtain 3 written quotes under Standing Order 86(b).

The Chief Finance Officer shall only exercise his / her authority under this paragraph (i) following legal advice that there is no breach of domestic or EU law or the Council's own procedures in the exercise of the authority (ii) where there are good operational and / or financial reasons for doing so.

- (c) Chief Officers shall ensure in undertaking any contract procurement that:-
- (i) fair, transparent and auditable processes are followed at all stages;
 - (ii) tender exercises are conducted appropriate to the nature of the contract being procured;
 - (iii) all tenderers are treated equally and fairly;
 - (iv) these Contract Standing Orders are complied with;
 - (vi) the Contracts Register is kept updated at all times as set out in Standing Order 110; and
 - (vii) Appropriate steps are taken to prevent, identify and remedy any conflicts of interest
- (d) Contract tendering procedures are contained in the Council's Contract Procurement and Management Guidelines which shall be updated and amended from time to time to comply with these Contract Standing Orders. Advice on any of the requirements of these Contract Standing Orders shall be sought from the Chief Legal Officer or Chief Finance Officer as appropriate.
- (e) For the avoidance of doubt these Contract Standing Orders apply to:-
- (i) the appointment of consultants; and
 - (ii) the establishment of Framework Agreements.
- (f) Subject to paragraph (a) and (b) above, Standing Order 97 (mandatory Approved List and Online Market Place), all medium and high value contracts shall be entered into and procured in accordance with the formal tendering procedures set out in these Standing Orders.

85. Partnership Arrangements and Collaborative Procurement

- (a) No Partnership Arrangements may be entered into unless they are approved by the Chief Finance Officer and a formal agreement covering the arrangements is signed by the parties.

- (b) Any Partnership Arrangement or Collaborative Procurement which includes delegation of powers shall be approved by the Cabinet (or where relevant, Full Council).
- (c) Any Collaborative Procurement shall comply with these Standing Orders and Financial Regulations unless;
 - (i) agreed otherwise in writing by the Chief Finance Officer and the Chief Legal Officer; or
 - (ii) in the case of a High Value Contract, the agreement of the Cabinet is obtained under Standing Order 84(a).

For the purposes of this Standing Order the contract value shall be calculated on the estimated value of the Council's part of the contract only.

- (d) Any agreement between the Council and one or more other body which includes any payment by the Council in respect of the costs of carrying out a Collaborative Procurement shall comply with these Standing Orders unless agreed otherwise in writing by the Chief Finance Officer and the Chief Legal Officer.

86. Contracts not subject to full tendering requirements

- (a) Certain contracts as set out in this Standing Order listed below, are not subject to the full tendering requirements of these Contract Standing Orders but are subject to any other relevant parts thereof.
- (b) No formal procurement procedures apply to Very Low Value Contracts apart from a requirement to secure best value. For Very Low Value Contracts, the best way to demonstrate best value is by seeking three quotes or using an Approved List (where one exists) or the Online Market Place, however this is not mandatory and it is open to a duly authorised officer to approve another procurement route. As with all Council procurement, there is a mandatory requirement to keep an auditable record to demonstrate compliance and value for money.
- (c) Save where required by European Procurement Legislation, no formal tendering procedures apply to Low Value Contracts except that at least three written quotes must be sought and the quotes sought and/or obtained shall be recorded or alternatively the contract is procured through the Online Market Place. Where quotes are sought, advice must be sought from the Council's procurement officers about how to select the three organisations to be invited to quote and how to structure the quotation process. Unless the Council's procurement officers advise that it is not necessary or appropriate, all quotes shall be sought using the Electronic Tender Facility and at least one of the quotes shall be sought from a Local Brent Provider. In the case of Low Value Works Contracts valued at above the relevant EU Threshold for supplies or services contracts (currently £172,514), approval of the Chief Legal Officer is required to use a quotation process; if approval is not given then a tender process under Standing Order 96 below is required for such contract. Low Value Contracts do however require formal approval for award according to Standing Order 88(a) from a duly authorised officer within the relevant Council department.
- (d) Contracts which are procured using an Approved List or the Online Market Place in accordance with the rules prescribed pursuant to Standing Order 97, are not subject to full tendering requirements.

- (e) Subject to the proviso below, no formal tendering procedures apply where contracts are called off under:
- (i) a Framework Agreement established pursuant to these Standing Orders; or
 - (ii) a Framework Agreement established by another contracting authority , where call off under the Framework Agreement is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract PROVIDED that the Chief Legal Officer has advised that participation in the Framework Agreement is legally permissible. Advice from the Chief Legal Officer must be obtained each and every time a call off under another contracting authority's Framework Agreement is recommended by the relevant Chief Officer.
 - (iii) the Online Market Place (as detailed in Standing Order 97), where the call off is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract.

SAVE THAT any high value contract may only be awarded on the approval of the Cabinet as required by paragraph 2.5 of Part 4 of the Constitution.

- (f) Subject to complying with any relevant parts of the European Procurement Legislation, Tenders need not be invited nor quotes sought:
- (i) where for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the services, supplies or works may only be provided by a particular provider or where there is only one provider who would be able to provide the services, supplies or works required PROVIDED that advice is sought from the Chief Legal Officer and in the case of High Value Contracts, approval is sought from the Cabinet (or, if appropriate, the General Purposes Committee); or
 - (ii) in cases of extreme urgency where there is an immediate danger to life or limb or property and only to the extent necessary to procure services, supplies or works necessary to deal with the immediate urgent situation PROVIDED that advice is sought from the Chief Legal Officer; or
 - (iii) for contracts providing individual personal services such as individual care arrangements or individual special educational needs provision and for the avoidance of doubt this exemption does not apply to any framework agreements or call off contracts that will facilitate the award of individual contracts providing such personal services.

87. Provision of goods, services and works by the Council

- (a) The Local Authorities (Goods and Services) Act 1970 ("the 1970 Act") provides that local authorities may enter into contracts to provide goods and services to public bodies defined as such by the 1970 Act. Section 96 of the Local Government Act 2003 provides that local authorities may do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any of their ordinary functions provided this power is exercised through a company within the meaning of Part 5 of the Local Government Act 1989. The general power of competence in the Localism Act 2011 may also authorise the provision of goods, works and services by the Council.

- (b) Before entering into arrangements under any of these provisions, officers must comply with the relevant requirements of Financial Regulation in Part 6 of the Constitution.
- (c) Authority to enter into arrangements under any of these provisions must be agreed by the Cabinet (or if appropriate the General Purposes Committee) where:
 - (i) the contract value would exceed £150,000 per annum; or
 - (ii) the gross cost to the Council of providing the relevant goods, services or works under the contract is estimated to exceed £150,000 per annum calculating the full costs over the term of the contract (including any period of extension(s) anticipated by the contract);
 - (iii) where a company is to be set up for the purposes of the arrangements.
- (d) In all cases advice shall be sought from the Chief Legal Officer and the Chief Finance Officer prior to entering into any such arrangement and/or prior to seeking approval by the Cabinet.

88. Authority to go out to tender and enter into contracts

- (a) Chief Officers have delegated to them power to invite expressions of interest, agree shortlists, invite Tenders, negotiate, award, and terminate contracts in accordance with paragraph 2.5, of Part 4 of this Constitution. No individual Member may enter into a contract on the Council's behalf.
- (b) Where approval to invite expressions of interest is required from the Cabinet (or if appropriate the General Purposes Committee or Pension Fund Sub-Committee) the Cabinet~~—~~, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be, shall receive and consider a report setting out the pre-tender considerations specified in Standing Order 89 and shall give such approval or approvals as it considers necessary.
- (c) Where approval to award or terminate a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee), the Cabinet, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be, shall receive and consider a report setting out all relevant information necessary to enable it to give such approval or approvals as it considers necessary.
- (d) Chief Officers are responsible for ensuring that the relevant category manager in the Corporate Procurement Centre is notified of all proposed procurements of or exceeding £25,000 in value. The role of the category manager under this Standing Order 88 is to advise on appropriate procurement routes, ensuring that the service department takes legal advice as necessary.

89. Pre-Tender Considerations

In procuring any contract, Chief Officers (or the Cabinet for High Value contracts) shall, where appropriate, consider the following matters prior to inviting Tenders:

- (i) the nature of the services, supplies or works contract to be tendered;
- (ii) the estimated value;
- (iii) the contract term and any period of extension(s) anticipated by the contract;

- (iv) the tender procedure to be adopted including whether any part the procedure will be conducted otherwise than by electronic means and whether there will be an e-auction;
- (v) the procurement timetable;
- (vi) the evaluation criteria and process;
- (vii) any business risks associated with entering the contract;
- (viii) the Council's Best Value duties;
- (ix) The Council's duty under the Public Services (Social Value) Act 2012 (duty applies only to Medium and High Value Contracts for services but should be considered for all contracts);
- (x) any staffing implications including TUPE and pensions; and
- (xi) the relevant financial, legal and other considerations.

90. Estimated contract value

Chief Officers shall ensure that an estimated contract value is prepared and recorded prior to commencement of a tender exercise. Such estimate shall be calculated on the basis of the value of the contract over the life of the contract including any period of extension(s) anticipated by the contract whether or not a one off service, supply or work. Where a contract has no fixed term the value of the contract shall be calculated as if the term of that contract was 48 months.

91. Lots

Chief Officers shall consider whether a contract should be subdivided into lots and if a decision is decided not to subdivide into lots, shall record the reason for such decision in writing. Contracts must not however be subdivided into lots to avoid competitive tendering. The estimated value of contracts split into lots shall be calculated using the total value of all lots.

92. Procurement by consultants

Where consultants are appointed to undertake tendering on the Council's behalf they shall be instructed to comply with Contract Standing Orders and to refer to the Contract Procurement and Management Guidelines as appropriate. No consultant shall make a decision as to whom to award a contract nor enter into contracts on the Council's behalf. Appropriate arrangements shall be implemented to monitor any procurement managed by consultants.

93. Appointment to the Evaluation Panel

For High Value Contracts the Chief Legal Officer and the Chief Finance Officer shall, if he/she considers it appropriate, be part of or appoint a representative to the evaluation panel or shall advise the panel as he/she sees fit.

94. Prior Information Notice

Chief Officers should ensure that a Prior Information Notice is published in OJEU as soon as possible after the commencement of each financial year detailing the intended total procurement for the year for services, supplies and works contracts to be tendered which are subject to European Procurement Legislation.

95. Inviting Tenders for Contracts at or over EU Thresholds

- (a) Where a services, supplies or works contract has an estimated value in excess of the EU Threshold, then Tenders shall be invited in accordance with European Procurement Legislation using the open, restricted, competitive procedure with

negotiation, competitive dialogue, innovative partnership or negotiated (applicable to concession contracts only) procedure by placing a notice in OJEU no later than any other advertisement placed in any other publication. An advertisement for such Tender will also be placed on Contracts Finder following the placing of the notice on OJEU.

- (b) Where a contract for Schedule 3 Services has an estimated value in excess of the EU Threshold, then Tenders may be invited using procedures outlined in paragraph (a) above or such additional procedures as are consistent with European Procurement Legislation.

96. Inviting Tenders for Contracts below EU Thresholds

- (a) Where a contract is below the EU Threshold, then Tenders shall be invited in accordance with:-

- (i) any requirements in the European Procurement Legislation relating to below EU Threshold contracts, if appropriate;
- (ii) these Contract Standing Orders; and
- (iii) the requirements of either (b) or (c) below:

(b) Single Stage Tender

- (i) Tenders shall be invited by way of public notice published on the London Tenders Portal and by such other additional means as is considered appropriate, stating the nature of the contract being tendered and stating the last date when Tenders will be accepted, which shall not normally be less than 21 days after the date that the notice was first published. The estimated value of the contract may also be included. Information about the tender shall also be placed on Contracts Finder.
- (ii) Where relevant to the subject matter of the procurement and proportionate, suitability assessment questions may be asked in order to ensure that the person or body meets the Council's requirements or minimum standards of suitability, capability, legal status or financial standing.

(c) Two-Stage Tender

For Medium Value Contracts and High Value Contracts for works or Schedule 3 Services that are below EU Thresholds, in addition to a Single Stage Tender process, tenders may also be invited as follows:

- (i) Expressions of interest shall be invited by public notice published on the London Tenders Portal and by such other additional means as is considered appropriate, stating the nature of the contract being tendered stating the last date when expressions of interest will be accepted which shall not normally be less than 21 days after the date that the notice was first published. Information about the tender shall also be placed on Contracts Finder.
- (ii) Persons or bodies wishing to express an interest shall be sent a pre-qualification questionnaire to be completed and returned to the Council by the date specified in the notice.
- (iii) The response to the pre-qualification questionnaire shall be used to evaluate whether the person or body meets the Council's minimum technical

capacity and financial standing requirements and has relevant experience, and whether they should be included in a shortlist.

- (iv) Tenders shall be invited from those persons or bodies who have been included in the shortlist.

97. Approved Lists and Online Market Place

- (a) The Council has agreed the use of a corporate Approved List. The Chief Legal Officer in consultation with the Chief Finance Officer may prescribe the rules on how the Corporate Approved List shall be compiled, used, monitored and reviewed and may amend such rules periodically.
- (b) The use of the corporate Approved List shall be mandatory for all Low Value Contracts for services and supplies and for all Low and Medium Value contracts for works where a relevant corporate Approved List category exists, unless an exemption is granted pursuant to the rules prescribed under (a) above.
- (c) The Council has agreed the use of a Small Works and Services Approved List. The Chief Legal Officer in consultation with the Chief Finance Officer may prescribe the rules on how the Small Works and Services Approved List shall be compiled, used, monitored and reviewed and may amend such rules periodically.
- (d) The use of the Small Works and Services Approved List shall be mandatory for all Low Value Contracts for services supplies and works where a relevant Small Works and Services Approved List category exists, unless an exemption is granted pursuant to the rules prescribed under (c) above.
- (e) The Council has agreed the use of an Online Market Place. The Chief Legal Officer in consultation with the Chief Finance Officer may prescribe the internal rules on how the Online Market Place shall be used, monitored and reviewed and may amend such rules periodically.
- (f) The Online Market Place shall consist of:
 - (i) a contract or Framework Agreement established pursuant to these Standing Orders; or
 - (ii) a Framework Agreement established by another contracting authority, PROVIDED that the Chief Legal Officer has advised that participation in the Framework Agreement and inclusion on the Online Market Place is legally permissible.

98. The Invitation to Tender

- (a) The invitation to tender shall include the following details:-
 - (i) a description of the services, supplies or works being procured;
 - (ii) whether the Council is of the view that TUPE will apply;
 - (iii) the tender timetable including the tender return date and time, which must allow a reasonable period for applicants to prepare their Tenders;
 - (iv) a specification and instructions on whether any variants are permissible;
 - (v) the Council's terms and conditions of contract;

- (vi) the evaluation criteria including either weightings or the order of importance;
 - (vii) pricing schedules, if appropriate, and instructions for completion;
 - (viii) whether the tenderer is required to price separately if the tenderer were required to offer appropriate pension provision and/or parent company guarantee and/or a performance bond;
 - (ix) form and contents of method statements, if any, to be provided;
 - (x) confirmation Tenders are to be submitted electronically unless not possible or appropriate;
 - (xi) the rules and method for submitting Tenders;
 - (xii) where Tenders are to be received electronically via the Electronic Tender Facility, a requirement that tenderers submit a signed hard copy of the form of tender, undertakings and any other original documentation upon request;
 - (xiii) whether or not an e-auction will be conducted; and
 - (xiv) any further information which will inform or assist applicants in preparing their Tenders.
- (b) Except in the case of electronic tendering the invitation to tender shall state that no Tender will be considered unless contained in a plain sealed envelope and endorsed "Tender" followed by the subject to which it relates. In all cases the invitation to tender shall specify whether and if so to what extent, the terms of the contract or any part specified will be subject to negotiation between the parties.

99. Form of Tender

- (a) All Tenders shall be required to be submitted on the Council's form of tender which shall include the following details:
- (i) a statement that the Council will not be bound to accept any Tender;
 - (ii) a section where the tenderer shall state whether their Tender is priced on the basis of TUPE applying or not;
 - (iii) except where permitted by European Procurement Legislation, a statement that formal acceptance of the Tender by the Council will, until such time as a written contract can be executed, bind the parties into a contractual relationship; and
 - (iv) except in the case of an e-auction, the price and whether this would be different if the tenderer were to offer a comparable pension and/or a parent company guarantee and/or a performance bond.
- (b) Except in the case of electronic tendering, no Tender shall be considered unless it is contained in a plain sealed envelope and endorsed "Tender" followed by the subject to which it relates. In the case of electronic tendering, Tenders must be submitted and opened in accordance with the requirements of Standing Order 101.

100. Receipt and Opening of Tenders

Except in the case of electronic tendering via an Electronic Tendering Facility for which the rules in Standing Order 101 shall apply, the receipt and openings of Tenders shall be conducted as follows:

- (a) All High Value Contract Tenders shall be addressed to the Council's Democratic Services Manager and the Tender shall remain in the custody of the Democratic Services Manager until the time appointed for its opening.
- (b) High Value Contract Tenders shall be opened and Tender details recorded by an authorised representative of the Democratic Services Manager and at least one other officer.
- (c) Medium Value Contract Tenders shall be addressed to the relevant Chief Officer and the Tender shall remain in the custody of the Chief Officer until the time appointed for its opening.
- (d) Chief Officers and the Head of Executive and Member Services shall make appropriate arrangements for the receipt, storage and opening of Tenders by an officer of appropriate seniority which ensures that each tenderer is treated fairly and equally and ensures probity.

101. E-Tendering and E-Auctions

The following rules apply to the use of an Electronic Tender Facility and/or an E-Auction Facility regardless of the value of the contract being procured:

- (a) Invitations to tender may be despatched and Tenders received by electronic means via an Electronic Tender Facility. Except in the case of e-auctions no other form of electronic tendering shall be permissible. All e-tendering must comply with European Procurement Legislation where applicable.
- (b) Tenders received electronically via the Electronic Tender Facility must be held in an Electronic Tender Time-Box until after the appointed closing date and time.
- (c) Tenders held in an Electronic Tender Time Box must all be opened at the same time by an authorised officer in the Corporate Procurement Unit after the appointed closing date and time for the Electronic Tender Time Box has passed and the Tender details recorded.
- (d) Where any original Tender documentation is to be submitted in hard copy instead of electronically as part of the tender process using an Electronic Tender Facility, such documentation shall be addressed to the Head of the Corporate Procurement Unit and the Tender documentation shall remain in the custody of the Head of the Corporate Procurement Unit until the time appointed for its opening. At the time appointed for the opening of Tenders held in the Electronic Tender Time Box, the hard copy Tender documentation shall be opened and the details recorded by an authorised representative of the Head of the Corporate Procurement Unit and at least one other officer.
- (e) In appropriate cases the submission of prices or values of quantifiable elements for a Tender may be conducted by e-auction using an E-Auction

Facility. An E-Auction Facility may be used in conjunction with an Electronic Tender Facility.

- (f) Tenders conducted by e-auction must comply with any specific European Procurement Legislation where applicable and unless used in conjunction with an Electronic Tender Facility, must follow the usual process for the invitation, submission and evaluation of Tenders (including Standing Order 100) except that the submission of prices and/or values may occur via an online auction.
- (g) Except with the prior written approval of the Chief Finance Officer, electronic tendering may only be undertaken using the Council's Electronic Tender Facility or E-Auction Facility operated by the Corporate Procurement Unit.
- (h) Where tendering has been conducted by electronic means, Chief Officers shall ensure that signed hard copies of the form of tender, and where appropriate, the parent company guarantee undertakings and performance bond undertakings are obtained from the successful tenderer prior to award of contract.

102. Late Tenders

- (a) Late Tenders shall not be considered except in special circumstances and only then if no other Tenders have been opened and only with the prior written approval of the Chief Executive or the Monitoring Officer on receipt of a written request specifying the special circumstances and why acceptance of a late Tender is justified. A record of any such approval shall be kept with the record of Tenders received.
- (b) Where a late Tender is received in paper form, or partly in paper form, it will be opened for the sole purpose of identifying the applicant and will be returned to them immediately save where the late tender is accepted in accordance with Standing Order 102(a) above
- (c) If Tenders are received electronically via an Electronic Tender Facility or by an E-Auction Facility, then if the Facility will still accept the submission of tenders after the appointed closing date and time for the submission of Tenders it will automatically flag late Tenders as "late". Late Tenders flagged as such may only be accepted in accordance with Standing Order 102(a) above. However once other tenders have been opened on the Facility then no late Tenders can be accepted.

103. Record of Tenders and Contracts

- (a) The relevant Service Area Director shall maintain a record of all Tenders invited and received by them, of all contracts entered into and Framework Agreements concluded on behalf of the Council and shall record the reasons for awarding the contract to or concluding a Framework Agreement with a tenderer and the reasons for non-acceptance of a Tender or the rejection of a contractor who has not been included in a Tender short list or Approved List.
- (b) For contract award procedures conducted by electronic means, appropriate information shall be kept to document the progress of the procedure.

104. Tender Evaluation

- (a) Tenders subject to European Procurement Legislation shall be evaluated in accordance with the relevant regulations and the instructions to tender. All other Tenders shall be evaluated in accordance with the criteria and procedures set out in the invitation to tender. In both cases Tenders shall be evaluated in accordance with these Standing Orders save where there is a conflict with any European Procurement Legislation in which case that legislation shall prevail.
- (b) Tenders for all contracts shall be evaluated and awarded on the basis of the most economically advantageous offer to the Council. The most economically advantageous offer to the Council will be determined using a combination of both quality and price evaluation criteria (except for works, supplies or energy supply contracts where price alone may be the sole evaluation criterion).

105. Departure from Tender Documents

- (a) Subject to paragraph (b) below where the Council has included non-negotiable terms and conditions with its instructions to tenderers then Tenders may only be accepted on those terms unless any revisions are notified to all tenderers prior to the tender return date.
- (b) Where contract terms and conditions are non-negotiable then no variations to them may be made after Tenders are received without the prior written approval of the Chief Legal Officer.
- (c) Post-tender negotiations are only permissible where the instructions to tender specified the areas to be subject to negotiation and where this is permitted by European Procurement Legislation. In all other cases only clarification points or ambiguities may be raised with tenderers.

106. Bonds and Guarantees

Chief Officers shall ensure that sufficient security for the due performance of High Value Contracts is taken and for other contracts where such security is considered be in the best interests of the Council.

107. Notification of Tender Decision, Standstill Period, Debriefing and Acceptance

- (a) Subject to the specific exceptions in the European Procurement Legislation, where the Contract is subject to the full application of the European Procurement Legislation (being a services contract, public works contract, public supplies contract or Framework Agreement above the relevant EU Threshold) a mandatory standstill period of at least 10 calendar days must be observed between notifying all tenderers in writing of the award decision and the actual award of contract. The standstill period shall commence on the day after the written award notification is sent to all tenderers and the written notification must comply with the requirements of the European Procurement Legislation. If an unsuccessful tenderer requests further information, such information must be provided in accordance with the European Procurement Legislation.
- (b) If a legal challenge to the procurement process or award decision is brought during a mandatory standstill period, the contract must not be awarded and tender acceptance must not be communicated to the successful tenderer without the prior written approval of the Chief Legal Officer.

- (c) Tender acceptance must not be communicated to the successful tenderer until after the expiry of any mandatory standstill period. Where Standing Order 107(a) does not apply, tender acceptance shall be communicated to the successful tenderer as soon as possible but subject to any relevant call-in provisions. Tender acceptance must be in writing and as a minimum must detail the date of the decision and the decision-maker.

108. Contract Award Notice

Chief Officers shall ensure that a contract award notice is published in OJEU within 30 days of the award of any contract where required by European Procurement Legislation or alternatively in the case of dynamic purchasing systems, ensure that grouped notices are sent within 30 days of the end of each quarter.

109. Letters of Intent

Letters of intent shall only be used as follows:

- (a) where the Council's form of tender has not included a statement that until such time as a formal contract is executed the Council's written acceptance of a Tender shall bind the parties into a contractual relationship; or
- (b) exceptionally where a contractor is required to provide services, supplies or works prior to written acceptance by the Council and only then with the prior written approval of the Monitoring Officer.

110. Contracts Register

- (a) Chief Officers shall ensure that all contracts awarded by the Council to the value of £25,000 or more over the term of the contract shall be entered on the Contracts Register. The Contracts Register shall for each contract specify the name of the relevant Council's Service Unit, the contractor, the services, supplies or works to be provided, the contract value and contract term and where relevant any provisions for extension. Details of all such contracts awarded must be entered on the Contracts Register within two weeks of award and in the required format.
- (b) Chief Officers shall also ensure that for all contracts on the Contracts Register, all contract extensions and variations, early terminations, assignments and novations are entered on the Contracts Register and notified to the relevant category manager in the Corporate Procurement Centre.

111. Contract Terms and Conditions

Chief Officers shall ensure that contracts are drafted as appropriate to the nature of the services, supplies or works to be provided and contain provisions to protect the Council's overall interest. Advice shall be sought from the Chief Legal Officer as appropriate.

112. Extension and Variation of Contract

- (a) Contracts subject to European Procurement Legislation may be extended in compliance with relevant legislative provisions. Contracts may be extended in accordance with the provisions for extension contained in the contract if the parties agree and if the relevant Chief Officer is satisfied that the extension will

achieve best value and is reasonable in all the circumstances. Any such extension that will last for more than one year shall be notified to the Chief Legal Officer and the Chief Finance Officer. All extensions (of any duration) shall be notified to the Contracts Register Officer.

- (b) Retendering of contracts shall be timetabled to ensure handovers can be effected at the end of the contract term. –Where any retendering is delayed or is unsuccessful then temporary arrangements may be agreed by the relevant Chief Officer.
- (c) Any temporary contractual arrangements necessary to cover periods between a contract expiring and a new contract commencing shall be kept to a minimum term possible and retendering shall be commenced or re-commenced as soon as is reasonably possible.
- (d) Chief Officers have delegated to them power to extend, vary or renegotiate contracts in accordance with paragraph 2.5 of Part 4 of this Constitution. Where approval to extend, vary or renegotiate a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee) the Cabinet, the General Purposes Committee or the Pension Fund Sub-Committee as the case may be shall receive and consider a report setting out all relevant information necessary to give such approval or approvals as it considers necessary.

113. Early Termination of Contract

High Value Contracts may only be terminated by the Cabinet, the General Purposes Committee or the Pension Fund Sub-Committee as appropriate. Medium Value Contracts may only be terminated:

- (a) by agreement between the Council and the Contractor; or
- (b) in accordance with the termination conditions of the contract

and provided that in either case the financial and legal implications or other relevant circumstances have been taken into account.

114 Assignment and Novation of Contract

- (a) Contracts may be novated or assigned provided that the novation or assignment would not breach European Procurement Legislation. Chief Officers have delegated to them the power to novate or assign contracts pursuant paragraph 2.5, of Part 4 of this Constitution provided that the novation or assignment does not substantially alter the terms and conditions of the contract and provided that the relevant Chief Officer is satisfied that the new contractor meets certain standards
- (b) Where approval to novate or assign a contract is required to be obtained or is in any event sought from the Cabinet (or the General Purposes Committee or Pension Fund Sub-Committee) the Cabinet-, the General Purposes Committee or Pension Fund Sub-Committee as the case may be shall receive and consider a report setting out all relevant information necessary to give such approval or approvals as it considers necessary.

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PART 4

RESPONSIBILITY FOR FUNCTIONS

General Powers Delegated to Officers

Exemptions Restrictions and Limitations on Powers Delegated to Officers

Acquiring, managing and disposing of land and buildings

Decisions by individual members

Decisions to be taken only by Full Council

Table 1 Functions which cannot be exercised by the Cabinet

Table 2 Functions where the Council has a choice of exercising them through either the Cabinet or the Council and the person or body to whom, if any, the function has been delegated

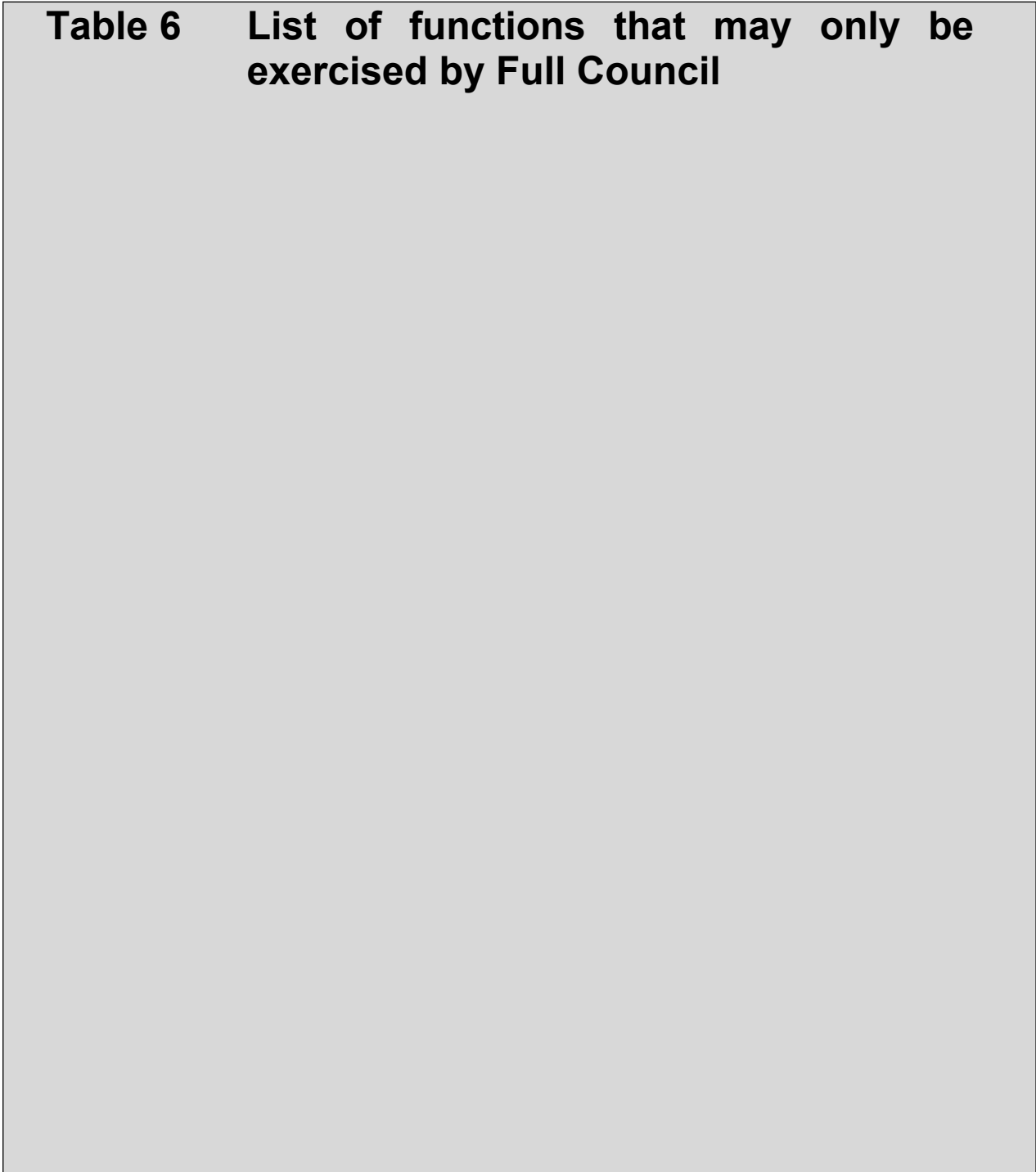
Table 3 Functions not to be the sole responsibility of the Cabinet

Table 4A The Membership and Terms of Reference of the Highways Committee of the Cabinet

Table 4B The Membership and Terms of Reference of the Barham Park Trust Committee of the Cabinet

Table 5 Proper and Statutory Officer Provisions

Table 6 List of functions that may only be exercised by Full Council

A large grey rectangular area representing a redacted table. The table content is completely obscured by a solid grey fill.

RESPONSIBILITY FOR FUNCTIONS

1. General

1.1 The Authority's functions may lawfully be exercised by:-

- Full Council
- The Leader
- The Cabinet
- Individual members of the Cabinet
- Committees and sub committees of the Council or the Cabinet
- Joint committees
- Officers

Other persons so authorised where the law permits.

A description of the decision making structure and the management structure of the Council and the Service Areas within which various functions are generally dealt with is included in Part 1 of this Constitution.

1.2 This Council operates a Leader and Cabinet executive Model. The Leader and Councillors appointed to the Cabinet are collectively referred to as the Cabinet. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 give effect to section 9D of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Cabinet, which functions may (but need not) be the responsibility of the Cabinet ('Local Choice Functions') and which functions are to some extent the responsibility of the Cabinet. All other functions not so specified are to be the responsibility of the Cabinet. These Regulations have been amended from time to time and those amendments are reflected in this Constitution. This Part of the Constitution and the Tables set out below describe whether the various functions of the Council are 'Council functions' or 'Cabinet functions' and whether those functions have been delegated by the Council in the case of Council functions, to a committee, sub-committee, joint committee, officer or other person, or delegated by the Leader in the case of executive functions in accordance with 1.3 below.

1.3 The Leader may exercise the executive functions or may delegate those functions to the Cabinet, a committee of the Cabinet or a Joint Committee, another local authority, an individual member of the Cabinet or officers. The allocation of executive functions and delegations by the Leader are set out in Part 4 and elsewhere in this Constitution.

1.4 The Leader delegates to the Cabinet all executive functions except those which he/she has delegated to the Highways Committee, or officers as set out in this Constitution. If the Leader makes any changes to the allocation of functions and delegations he/she shall either:

- (i) Report the change to the Council or;
- (ii) Notify the Chief Legal Officer in writing of the change

And no change shall be effective until either (i) or (ii) has been complied with. The Chief Legal Officer shall as soon as practicable report any change notified to him/her to Full Council.

- 1.5 Table 1 sets out the functions, listed in Schedule 1 to the Regulations (as amended), which cannot be the responsibility of the Cabinet and specifies which part of the Authority will be responsible for them. It also specifies to whom, if anyone, those functions have been delegated. For instance, in the case of development control, all functions are delegated to the Strategic Director Regeneration and Growth and/or the Head of Planning except those which are specified as being the responsibility of the Planning Committee.
- 1.6 Similarly, Table 2 sets out the Local Choice Functions which may or may not be Cabinet responsibilities and specifies which part of the Authority will be responsible for them. It also specifies to whom, if anyone, those functions have been delegated by the Council in the case of Council functions, or the Leader in the case of executive functions. For instance, functions under local Acts of Parliament are included here and so may lawfully be exercised either by the Council or Cabinet. Table 2 specifies whether, in Brent, they will be Cabinet or Council functions.
- 1.7 Table 3 sets out the functions which are not solely executive responsibilities. So far as those functions are to be executive functions, the Leader has agreed to arrange for these functions to be carried out by the Cabinet. The Table describes the plans, policies and strategies, which form the Authority's Policy Framework and specifies what role the Cabinet will play in relation to those plans, policies and strategies. Essentially, the Cabinet will develop and consult on the plans, policies and strategies listed and will then refer them to Full Council for consideration and approval. If approved, the Cabinet will then be responsible for ensuring they are implemented.
- 1.8 Table 4A sets out the functions to be exercised by the Highways Committee which is a **sub**-committee of the Cabinet appointed by the Leader. Table 4B sets out the functions to be exercised by the Barham Park Trust Committee which is a **sub**-committee appointed by the Cabinet.
- 1.9 Part 5 of the Constitution describes the membership and terms of reference for the Council committees and sub-committees. These are:-
- Health and Wellbeing Board
 - Standards Committee
 - Audit Committee
 - Corporate Parenting Committee
 - Scrutiny Committee
 - General Purposes Committee
 - Pension Fund Sub-Committee
 - Senior Staff Appointments Sub-Committee
 - Staff Appeals Sub-Committees A and B
 - Planning Committee
 - Alcohol and Entertainment Licensing Committee
 - Alcohol and Entertainment Licensing Sub-Committees A, B and C
 - Equalities Committee
 - Dismissal Advisory Committee
- 1.10 In addition to the powers described in the Tables as being specifically delegated to officers, any other Council and executive functions are delegated to officers in accordance with paragraph 2, 'Powers Delegated to Officers'.
- 1.11 Table 5 sets out the 'proper officers' designated for the purposes of certain statutory provisions. Any reference in any Act or any part of this Constitution to 'the

proper officer' will be a reference to the person so specified in the Table but if none is specified, the Chief Executive or a person nominated by him or her for the purpose will be identified. Any other function not otherwise specified in the Tables or elsewhere in this Constitution is the responsibility of the Cabinet, unless specifically precluded by law from so being, in which case it shall be the responsibility of the General Purposes Committee (unless specifically reserved to Full Council in which case it shall be exercised by Full Council).

- 1.12 All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Standing Orders and Financial Regulations and this Part 4 and Part 5.
- 1.13 In exercising any function or making any decision, the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.
- 1.14 A number of joint committees have been established with other London Boroughs under the umbrella of the London Councils. The London Councils' Committee and the Transport and Environment Committee exercise executive and non-executive functions. The terms of reference and make up of these committees and the sub-committee are described in Part 5.

2. Powers Delegated to Officers

- 2.1 Those officers named in the Tables or elsewhere in the Constitution have delegated to them the powers specified therein but subject to the limitations specified therein. For the avoidance of doubt, this includes an officer appointed to a named post on an acting interim or temporary basis.
- 2.2 References in this Part 4 to a 'director' or 'relevant director' are references to one or more of the officers specified in paragraph 2.4 below.
- 2.3 The Chief Executive may exercise any functions delegated to other officers and may delegate decisions or functions to one or more officers in any of the Council's departments unless expressly prohibited by law from doing so.
- 2.3.1 The Chief Executive shall also have the authority to carry out all executive functions in the interim in the event of there being no Leader, or Deputy Leader appointed and insufficient members of the Cabinet appointed to achieve a quorum.
- 2.3.2 Exceptionally, notwithstanding anything in this Constitution, the Chief Executive shall be authorised to exercise either executive or non-executive functions where the matter is urgent unless this is prohibited by law.
- 2.3.3 If the Chief Executive acts in the circumstances set out in paragraphs 2.3.1 and 2.3.2 above, the Chief Executive shall notify, as appropriate, the Leader or Deputy Leader of the Council, the Lead Member with portfolio responsibility for the matter to which the decision relates and the Leader of the Principal Opposition Group of any such action.
- 2.4 The Chief Executive, Chief Operating Officer and Strategic Directors listed below shall have responsibility for the following general and related areas:-

- (a) **Chief Executive:**

Head of Paid Service. Managerial leadership of the Council including responsibility for overall corporate management and operational responsibility for all staff. Providing and securing of advice to the Council, and councillors, on strategy and policy. Acting in an executive capacity by making decisions or ensuring a system is in place for other officers to make decisions, as authorised by the Council. Delivering probity, value for money and continuous improvement.

(b) **Chief Operating Officer:**

Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral—, committee, member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health, highways, transport strategy, Brent Transportation Services, transportation, refuse and street cleansing, parking—, parks and open spaces, cemeteries, accident prevention, emergency planning and business continuity, waste management and recycling, street lighting, environment, CCTV monitoring, sport and leisure, leisure centres, arts, libraries, museums, and archives, community safety, nationality service, Registrar of Births, Deaths and Marriages, customer services, revenue and benefits.

(c) **Strategic Director Adults:**

Statutory Director of Adult Social Services, health, adult physical disability, learning disability, mental health services, services to older people, safeguarding adults, emergency duty team, asylum in so far as it is not a housing matter, safeguarding responsibilities, adult social care complaints, and any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People.

(d) **Strategic Director Children and Young People:**

Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people.

(e) **Strategic Director Regeneration and Growth:**

Regeneration, urban renewal, economic development, building new education facilities, statutory land use, planning, development and building control, land charges, street naming and numbering, housing regeneration, affordable housing development, corporate property, facilities and premises management,. All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services, liaison and transactions with Housing Associations, homelessness and housing strategy, housing management, adult and community education, environmental health, licensing, street trading, trading

standards, mortuary, health & safety, contaminated land, pollution control, food safety and pest control.

2.5 In addition to those powers specified in the Tables and elsewhere in this Constitution, the officers specified above have delegated to them by the Council or the Leader, or Cabinet (as the case may be) all and any of the powers of the Council and the executive as may be necessary or desirable to enable them to effectively manage and operate their service area or unit or to carry out the roles and responsibilities required of them from time to time (not necessarily restricted to those roles and responsibilities specified above). These powers are subject to the exemptions, restrictions and limitations specified in paragraph 3 below or elsewhere in this Constitution. These powers include (but are not limited to) the powers set out in the following table which are also, subject to any exemption, restriction or limitation specified in respect of them in that table:-

Power	Exception, restriction or limitation
1. to exercise all functions that may from time to time fall within the scope of their professional and operational responsibility.	
2. to manage, within the approved cash limits, the budget allocated to the functions for which the officer has responsibility and to make virements or transfers as necessary.	<p>(a) no action may be taken which would result in growth, which cannot be contained in future years budgets or which would affect a budget which is not under the officer's direct control.</p> <p>(b) no virements or transfers may be made other than in accordance with the Scheme of Transfers and Virements agreed by Full Council.</p> <p>(c) no internal trading arrangements shall be established without the approval of the Chief Finance Officer.</p>
3(a) to invite expressions of interest, agree shortlists, invite tenders, negotiate, award, enter into and terminate contracts, agreements, deeds or other transactions; to purchase supplies and services; to appoint external consultants; to make minor or consequential changes to any of the documents mentioned above which were previously agreed by the Executive or the Council or their committees or sub-committees.	<p>Provided that:</p> <p>(a) In the case of a contract, agreement, deed or transaction where the Council would be in receipt of works, services or supplies (other than the supply of energy through the Local Authority Energy Buying Group administered by Kent County Council ("Laser")) if the value of the contract, agreement, deed, transaction, supply, service, work or consultancy would or would be likely or is</p>

	<p>estimated at the commencement of any procurement process to exceed £250k in respect of services or supplies or £500k in respect of works, such value to be aggregated over the life of the contract (including any possible extension) then:-</p> <ul style="list-style-type: none"> (i) no expressions of interest shall be invited without the prior approval of the Cabinet (or in the appropriate cases the General Purposes Committee); (ii) no contract, agreement, deed or transaction shall be awarded, entered into or terminated without the prior approval of the Cabinet (or in appropriate cases the General Purposes Committee); and (iii) shortlists may only be drawn up and tenders may only be evaluated in accordance with the basis of the evaluation criteria approved by the Cabinet (or in appropriate cases the General Purposes Committee) in accordance with Standing Orders 88(b) and 89(vi). <p>(b) —in the case of an agreement where the Council is a service provider to another organisation, the contract value or cost to the Council in providing the service is less than £150,000 per year; otherwise Cabinet approval must be sought in accordance with Standing Order 87(c).</p> <p>(c) In the case of a contract or agreement that does not fall within (a) or (b) above, such as a funding or settlement agreement, the total value passing from the Council to another organisation does not exceed £250,000.</p> <p>(d) the award of contract or approval of the agreement would not place</p>
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	<p>the Council in breach of European procurement legislation.</p> <p>(e) there is sufficient budgetary provision</p> <p>(f) admission agreements in respect of the pension fund may only be agreed by the Chief Finance Officer and in accordance with criteria adopted by the General Purposes Committee or the Pension Fund Sub-Committee.</p> <p>(g) contracts in respect of the supply of energy through LASER may only be awarded by the Chief Finance Officer</p>
<p>3(b) to extend, vary, renegotiate, novate or assign contracts, agreements, deeds or other transactions.</p>	<p>(a) provided that the extension, variation, renegotiation, novation or assignment would not be in breach of the European Procurement Legislation.</p> <p>(b) provided that the extension, variation, renegotiation, novation or assignment does not substantially alter the terms and conditions of the contract.</p> <p>(c) provided that there is sufficient existing budgetary provision.</p> <p>(d) if the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract:</p> <p>(i) in the case of any contract, agreement, deed or other transaction with a life of not more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of six months; or</p> <p>(ii) in the case of any contract, agreement, deed or other transaction with a life of more than one year (including any</p>

	<p>possible extension provided for in the contract) the extension shall not exceed a period of one year.</p> <p>(e) provided that in the case of any variation (other than an extension):</p> <p>(i) the total value of the variation is less than £250k; and</p> <p>(ii) if the total value of the variation is more than £50k it is not more than 20% of the original contract value (calculated over the life of the contract including any extensions or possible extensions and adjusted in accordance with any price review mechanism provided for in the contract).</p> <p>(f) provided that in the case of any novation or assignment that the relevant Director is satisfied that the contractor to which the contract, agreement, deed or other transaction is to be novated or assigned meets the Council's requirements for financial standing, health and safety standards and technical expertise.</p>
<p>4. to acquire and manage land and buildings and to grant easements, licences or leases for land and buildings required or used for the purposes of their service area or corporate unit.</p>	<p>(a) subject to the rules set out in paragraph 4 below.</p>
<p><u>45.</u> to establish or re-organise the staffing structure of their service area or corporate unit and to appoint, discipline and dismiss staff.</p>	<p>(a) subject to the Standing Orders relating to staff.</p> <p>(b) the Chief Finance Officer shall be notified of any potential redundancy situation as soon as it becomes apparent and: -</p> <p>(i) no award of compensatory added years on the grounds of redundancy; and</p>

	<p>(j) no severance payment on the grounds of redundancy that exceeds the amount normally payable under the Council's severance scheme</p> <p>shall be made or agreed to be made without the prior written approval of the Chief Finance Officer.</p> <p>(c) the Chief Finance Officer shall be notified of all proposals that a person be retired early on grounds of ill health as soon as the possibility of such retirement becomes apparent.</p> <p>(d) no severance payment and no award of compensatory added years on the grounds of termination of employment in the interests of the efficient exercise of the Council's functions shall be made or agreed to be made except with the prior written approval of the Chief Finance Officer.</p>
<p><u>56.</u> on the approval of the Chief Legal Officer to institute, defend or settle any actual or contemplated legal or formal proceedings on behalf of the Council and to appear by counsel or in person or to authorise an officer to so appear in any proceedings and to verify a document by signing a Statement of Truth under the Civil Procedure Rules on behalf of the Council.</p>	
<p><u>67.</u> to obtain any necessary consent, authority, registration, licence, certificate, deed, notice, order or other similar document that the Council may require.</p>	
<p><u>78.</u> to register, issue, grant, or refuse permissions, consents, approvals, licences (not being occupational licences), notices, certificates, orders or similar documents which the Council is authorised or required to register, issue, grant, give, make or refuse by or under any enactment and to impose any</p>	<p>(a) except where this is the responsibility of a committee or sub-committee. This exception does not apply to the making of minor or consequential changes to any permission, consent, approval, licence, notice, certificate, order or similar document which were previously</p>

<p>conditions limitations or exceptions as they may consider appropriate.</p>	<p>authorised by the Cabinet or the Council or their committees or sub-committees or any conditions, limitations or exceptions imposed or to be imposed.</p>
<p><u>89</u>.to exercise discretion in writing off or remitting in whole or in part debts due to the Council.</p>	<p>(a) all reasonable steps to recover the debt(s) have been taken.</p> <p>(b) no sums exceeding £1,000 shall be written off without the written approval of the Chief Finance Officer.</p> <p>(c) all such debts written off shall be notified to the Chief Finance Officer.</p> <p>(d) the Chief Finance Officer has not required the matter to be referred to him or her for consideration.</p>
<p><u>940</u>.to make grants or give other financial or other assistance to organisations.</p>	<p>(a) Provided that if the grant or other financial assistance involves the grant of funds from Council's own resources</p> <p>(i) the relevant Director is satisfied that no adverse capital finance or other negative implications would arise, unless written consent of the Chief Finance Officer is obtained.</p> <p>(ii) no grant shall be made by officers if it amounts to more than £5k per annum except in the case of the Edward Harvist Trust where a grant not exceeding £7k per annum may be made.</p> <p>(iii) no grant shall be withdrawn or reduced by officers if the receiving body has received a grant from the Council for each of the last five years for the same purpose unless such withdrawal is due to the fact that the body no longer meets the relevant grant criteria or conditions of grant.</p> <p>(iv) the grant criteria has been approved by the Cabinet other appropriate body or person with appropriate authority.</p>

	<p>(v) no grant shall be made by officers from the council 'Main Programme Grant' or the 'Development Fund' except with the prior approval of the Cabinet.</p> <p>(b) Provided that where the grant or other financial assistance involves the distribution of funds received from a third party the grant or other financial assistance complies with the conditions under which the funds have been received by the Council.</p>
140. to create and/or register legal charges in respect of debts owed to the Council.	
112. to act as a receiver.	
123. to authorise or nominate other officers to act on their behalf in exercising any of their functions.	<p>(a) this may not be exercised other than by the officers listed in paragraph 2.4 above.</p> <p>(b) authorisations and nominations are subject to any limitations or provisos that the officers listed in paragraph 2.4 above may consider appropriate.</p> <p>(c) the names of the persons authorised or nominated shall be specified in a list maintained by the relevant officer listed in paragraph 2.4 above for that purpose and notified to the Chief Legal Officer</p>
134. to appoint a person to be the statutory 'proper officer' for any functions falling within their designated area of responsibility and which are required to be undertaken by a proper officer. The designations specified in the Tables shall be deemed to have been amended accordingly.	<p>(a) the name of the person appointed to a 'proper officer' position shall be specified in a list maintained by the appointing officer for that purpose and notified to the Chief Legal Officer .</p>
145. to take up posts on outside bodies or companies and appoint other staff to outside bodies or companies.	<p>(a) only where it is related to their area of work.</p> <p>(b) the prior advice of the Chief Legal Officer should be obtained.</p>
156. to act as an authorised signatory	

for the Council.	
167. to hear or determine appeals on matters which are within their area of responsibility or any other area if requested to do so by the Chief Executive.	(a) provided they were not the person who made the decision, the subject of the appeal.
178. to carry out works for, or to provide services or supplies to, or to exercise functions on behalf of other local authorities or bodies.	(a) where permitted by law. (b) subject to compliance with Contract Standing Orders and Financial Regulations.
198. to determine whether any application received in relation to any matter is valid according to the rules or procedures governing such applications including for the avoidance of doubt, any application for planning permission or similar and to determine whether any other document report assessment (including an Environmental Impact Assessment) or other information is required to be provided or carried out prior to validation or determination of that application.	
1920. to determine any other minor issue, or make any minor modification or variation relating to a matter previously determined by the Cabinet or the Council or their committees or sub-committees e.g. minor amendments to conditions on planning permissions which Planning Committee have resolved to grant or minor amendments to terms and conditions of employment previously agreed by the General Purposes Committee.	
20. To respond to consultation papers from other bodies or local authorities.	

2.6 The following officers have delegated to them the following powers in relation to all of the Council's services and areas of responsibility:-

(a) Chief Finance Officer

To undertake the S151 statutory role, To be responsible for providing financial advice to Members and officers in their respective roles in order to further effective decision making by the Council, and to be the professional lead for the finance function of the Authority. To operate and advise on an effective system of internal control for the Authority, including the provision of an effective internal audit service and an overall framework for insurance and risk management. To be responsible for advising on the investment strategy for the Council's treasury and pensions assets and to manage these accordingly. Power to incur or prevent any expenditure and to authorise borrowing within any limits approved by Full Council, write off debts, issue instructions on any matter relating to budget preparation, budget monitoring or budget control, power to set and monitor accounting standards, power to specify the format of returns, to require any officer to furnish him or her with any information and to answer any question relevant to the financial management of the authority

(b) Chief Legal Officer:

To undertake the statutory role of and exercise the powers of the Monitoring Officer, including standards and probity. Power to institute, defend or settle any actual or contemplated legal or formal proceedings on behalf of the Council and to appear by counsel or in person or to authorise an officer to so appear in any proceedings and to verify a document by signing a Statement of Truth under the Civil Procedure Rules on behalf of the Council; power to sign contracts, deeds, orders, notices and all other documents, the qualified person for Section 36 Freedom of Information Act 2000 determinations.

(c) Director of Public Health

To undertake the statutory role of Director of Public Health. Principal adviser to officers and members on all public health matters. To write the annual report on the health of the local population, take steps to improve public health, plan for and respond to emergencies which present a risk to public health, to carry out such public health functions or health protection functions as the Secretary of State may delegate or specify in regulations, to co-operate with the police, probation service and prison service in accordance with the local authority's duties under Section 325 of the Criminal Justice Act 2003, to be responsible for the Council's public health response under the Licensing Act 2003, to authorise Patient Group Directions on behalf of the Local Authority.

2.7 The Strategic Director, Regeneration and Growth and the Operational Director Property and Projects who are responsible for management of the Council's municipal buildings portfolio and its property disposal programme; estates management and valuation; maintaining the Council's property (terrier) records; producing, updating and enforcing Corporate Property Standards; co-ordinating property management function across the Council; advice on property and delivering the annual Asset Management Plan have the delegated powers as described below in paragraph 4 below.

3. Exemptions, Restrictions and Limitations on Powers Delegated to Officers

3.1 Chief Officers exercising delegated authority shall take all reasonable steps (including the taking of financial, legal and other similar advice) to ensure that no function is exercised or decision taken if, in their reasonable opinion:-

(a) Policy:

The exercise of that function or the making of that decision would or would be likely to conflict with or result in a change or departure from any decision or policy agreed by the Council or the Cabinet , other than the determination of planning applications where the departure from the development plan is determined in accordance with section 54A of the Town and Country Planning Act 1990.

(b) **Constitution:**

The exercise of that function or the making of that decision would or would be likely to conflict with the Constitution or any part of it.

(c) **Advice:**

The exercise of that function or the making of that decision would or would be likely to conflict with advice from the Chief Executive or the Chief Finance Officer or ~~District~~ Auditor.

(d) **Ultra Vires:**

The exercise of that function or the making of that decision would or would be likely to result in unlawful or ultra vires activity or actions as advised by the Chief Legal Officer.

(e) **Overspends:**

The exercise of that function or the making of that decision would or would be likely to result in spending of either a revenue or capital nature exceeding the approved revenue or capital budgets in either the current or any future year.

(f) **Decisions to be referred to the Cabinet or Council:**

It is a function which may under this Constitution be exercised by the Cabinet and the Cabinet or the Leader have requested that the matter be referred to them for decision; it is a Council function and the Full Council has agreed that the matter be referred to it or a committee or sub-committee for decision; or the relevant Director determines that the matter should be referred to the relevant part of the Cabinet or the Council for consideration.

(g) **Accountable body status and Partnership Arrangements:**

The exercise of that function or the making of that decision would confer accountable body status on the Authority or would result in a Partnership Arrangement with another body unless the prior written approval of the Chief Finance Officer has been obtained or approval has been obtained from the Cabinet-.

(h) **Company or partnership:**

The exercise of that function would result in the setting up of a company or entering into a partnership arrangement with any other body.

(i) **Credit arrangement:**

The exercise of the function would or might involve borrowing or a hire arrangement or deferred payment scheme or lead to the creation of a credit arrangement unless the prior written approval of the Chief Finance Officer has been obtained.

(j) **Personal interests:**

The officer concerned has a personal or private interest in the matter.

(k) **Transfer or redundancy:**

The exercise of that function or the making of that decision would or would be likely to result in transfers of staff to or from the Council of more than 20 people or redundancies of more than 20 people.

(l) **Significant or unusual risk:**

The exercise of that function or the making of that decision would or would be likely to expose the Council to a significant or unusual level of risk, financial or otherwise, as determined by the Chief Executive, the Chief Finance Officer, ~~the District Auditor~~ or the Chief Legal Officer.

(m) **Closure of a facility or reduction in services:**

The exercise of that function or the making of that decision would result or would be likely to result in the permanent closure of a facility used by the public or a permanent and significant reduction in the level of services or facilities provided to the public other than where such closure or reduction in service is considered necessary by the relevant director for reasons of health and safety.

(n) **Call In:**

The matter is called in for scrutiny in accordance with Standing Orders prior to being implemented.

(o) **Charges and Fees:**

The decision relates to the setting, levying or increase of any fees or charges to any member of the public in respect of a Council service (other than room lettings and copying charges).

(p) **Some other reason:**

The Chief Executive considers that the matter should not for some reason be considered by officers.

3.2 In cases where an officer is prevented from exercising any function delegated to him or her by virtue of any of the above or where he or she or the Chief Executive decides that they cannot or should not exercise the function then that function shall be exercised by the person or body who would otherwise have responsibility for that function, or the General Purposes Committee if none other is specified (unless it is a matter which is reserved to Full Council).

4. Acquiring, managing and disposing of land and buildings

- 4.1 Only the Strategic Director, Regeneration and Growth, and the Operational Director, Property and Projects, may acquire or dispose of an interest in land or buildings. The restrictions placed upon such acquisitions or disposals are set out in paragraphs 4.2 and 4.3 below.
- 4.2 The Strategic Director, Regeneration and Growth, and the Operational Director, Property and Projects may dispose of or acquire freehold land or buildings up to a value, in his or her view, of £250k. The Strategic Director, Regeneration and Growth, and the Operational Director, Property and Projects, may acquire or dispose of leases, licences, and easements in respect of land or buildings except where
- i. the annual rental value (excluding other outgoings) exceeds 50k
 - ii. if acquired or disposed of at a premium the value would, in his or her view, exceed 250k in value or
 - iii. where the leasehold term exceeds 25 years
- 4.3 Where any disposal or acquisition of an interest land or buildings is, in the view of the Strategic Director, Regeneration and Growth, and the Operational Director, Property and Projects, of a value over 150k and below 250k, or where any leasehold interest has an annual value over 25k or below 50k he or she shall consult with the Lead Member.
- 4.4 The Chief Finance Officer should be advised of any disposal or acquisition undertaken by this delegated authority within three months of any transaction.
- 4.5 All Members of the Cabinet will receive a report at least yearly on all these delegated authority transactions.
- 4.6 The Strategic Director, Regeneration and Growth, and the Operational Director, Property and Projects, may not sell or grant any lease or easement, licence or otherwise dispose of any land or buildings unless the consideration received, as confirmed by the ~~m Operational Director Property and Projects~~ is the best that can reasonably be obtained, whether or not the grant, sale or disposal is covered by a general or specific consent from the relevant Secretary of State.
- 4.7 Nothing in this paragraph 4 shall prevent the Strategic Director, Regeneration and Growth, from granting, in accordance with the Council's policies and procedures, any secure tenancy of housing accommodation nor from selling the leasehold or freehold interest in any residential property pursuant to the right to buy scheme or the voluntary sales scheme as promoted by the Secretary of State from time to time.
- 4.8 Nothing in this paragraph 4 shall prevent the Strategic Director, Regeneration and Growth, and the Operational Director, Property and Projects, acquiring or disposing of freehold land or acquiring granting or disposing of leasehold land for any term of years or licences and easements in respect of land and buildings where:
- (a) there is an statutory entitlement to a freehold or leasehold interest arising from a claim made in respect of residential land under the statutory enfranchisement provisions of the Leasehold Reform, Housing and Urban Development Act 1993 or Leasehold Reform Act 1967 as amended or re-enacted or

- (b) there is an statutory entitlement to a freehold or leasehold interest in accordance with the Academies Act 2010 as amended or re-enacted or other education legislation regulation order direction under education legislation or where the acquisition grant or disposal of a freehold or long leasehold term or easement is advised in accordance with a circular or guidance issued by the Secretary of State from time to time in respect of school land inclusive of the designation provision or conversion of a school into an academy or the provision of land for any school or
 - (c) statutory undertakers, telecommunication undertakings or other utilities are providing installations or equipment or laying cables pipes or other service media to in and over or through land or buildings
- 4.9 In acquiring, selling or disposing of any land or buildings or granting any lease, licence or easement in respect thereof regard shall be had to any relevant Corporate Standards on property acquisitions, management and disposals.
- 4.10 No person shall create or grant a service tenancy or service occupancy without the prior written approval of the Chief Executive.
- 4.11 In any cases where officers do not have or may not exercise delegated powers in respect of land or buildings the matter shall be determined by the Cabinet (unless precluded by law or the Constitution from exercising that power in which case the matter will be determined by the General Purposes Committee where possible or the Full Council if not possible).
- 4.12 For the avoidance of doubt the rules in this paragraph 4 do not apply to the adoption of highways and footways if there is no legal transfer of title to land.

5. Decisions by individual Members

At the present time the Leader has not delegated authority to members to make any individual decisions.

6. Decisions to be taken only by Full Council

- 6.1 Legislation provides that some Council functions/decisions can only be exercised or made by the Full Council, that is all the members or a specified number or percentage of them meeting together.
- 6.2 Table 6 sets out a list of functions which may only by law be undertaken by Full Council.

TABLE 1

FUNCTIONS WHICH CANNOT BE EXERCISED BY THE CABINET

(1)	(2)	(3)
<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>	<i>Decision maker</i>
A. Functions relating to town and country planning and development control		All of the functions listed under this section A will be exercised by the Strategic Director, Regeneration and Growth, and/or the Head of Planning or by a person nominated or authorised by the Strategic Director, Regeneration and Growth, except those functions which are the responsibility of the Planning Committee or which are required to be determined by Full Council
1. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.	
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	

<p>5. Duties relating to the making of determinations of planning applications.</p>	<p>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.</p>	
<p>6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.</p>	<p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).</p>	
<p>7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p>	<p>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).</p>	
<p>8. Power to enter into agreement regulating development or use of land.</p>	<p>Section 106 of the Town and Country Planning Act 1990.</p>	
<p>9. Power to issue a certificate of existing or proposed lawful use or development.</p>	<p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p>	
<p>10. Power to serve a completion notice.</p>	<p>Section 94(2) of the Town and Country Planning Act 1990.</p>	
<p>11. Power to grant consent for the display of advertisements.</p>	<p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.</p>	
<p>12. Power to authorise entry onto land.</p>	<p>Section 196A of the Town and Country Planning Act 1990.</p>	

13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.	N/A
18A. Power to issue a temporary stop notice	Section 171 E of the Town and Country Planning Act 1990	
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	
20. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	

<p>21. Power to determine applications for conservation area consent.</p>	<p>Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.</p>	
<p>22. Duties relating to applications for listed building consent and conservation area consent.</p>	<p>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519) and paragraphs 8, 15 and 22 of Department of the Environment, Transport and the Regions Circular 01/01.</p>	
<p>23. Power to serve a building preservation notice, and related powers.</p>	<p>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	
<p>24. Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p>	<p>Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	
<p>25. Powers to acquire a listed building in need of repair and to serve a repairs notice.</p>	<p>Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	
<p>26. Power to apply for an injunction in relation to a listed building.</p>	<p>Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	
<p>27. Power to execute urgent works.</p>	<p>Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	

<p>28. Any other planning related functions which are or become a function which cannot be exercised by the Executive.</p>		
<p>29. Such of the functions listed in 1-28 above as shall arise under the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation agreed by the Council on 2 March 2015.</p>	<p>Section 203 Localism Act 2011</p>	
<p>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)</p>		<p>Except where specified all of the functions listed under this section B will be exercised by the Strategic Director, Regeneration and Growth, or a person nominated or authorised by him or her, except those functions which are the responsibility of the Alcohol and Entertainment Licensing Committee, the Alcohol and Entertainment Licensing Sub-Committees or the General Purposes Committee or are required to be determined by the Full Council</p>
<p>1. Power to issue licences authorising the use of land as a caravan site ("site licences").</p>	<p>Section 3(3) of the Caravan Sites and Control of Development Act 1960.</p>	
<p>2. Power to license the use of moveable dwellings and camping sites.</p>	<p>Section 269(1) of the Public Health Act 1936.</p>	

<p>3. Power to license hackney carriages and private hire vehicles.</p>	<p>(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>N/A</p>
<p>4. Power to license drivers of hackney carriages and private hire vehicles.</p>	<p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>N/A</p>
<p>5. Power to license operators of hackney carriages and private hire vehicles.</p>	<p>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>N/A</p>
<p>6. Power to register pool promoters.</p>	<p>Schedule 2 to the Betting, Gaming and Lotteries Act 1963.</p>	
<p>7. Power to grant track betting licences.</p>	<p>Schedule 3 to the Betting, Gaming and Lotteries Act 1963.</p>	
<p>8. Power to license inter-track betting schemes.</p>	<p>Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963.</p>	
<p>9. Power to grant permits in respect of premises with amusement machines.</p>	<p>Schedule 9 to the Gaming Act 1968.</p>	
<p>10. Power to register societies wishing to promote lotteries.</p>	<p>Schedule 1 to the Lotteries and Amusements Act 1976.</p>	

11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.	
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985.	
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968.	
14. Power to issue entertainment licences.	Section 12 of the Children and Young Persons Act 1933 section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982.	
14A. Any function of a licensing authority	Licensing Act 2003 and any regulations or orders made under that Act.	
14AZA Powers and functions relating to late night levy requirements	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter.	
14AA Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005	
14AB Functions relating to exchange of information.	Section 30 of the 2005 Act.	
14AC Functions relating to occasional use notices	Section 39 of the 2005 Act.	

14B Power to resolve not to issue a casino premises licence.	Section 166 of the 2005 Act.	Full Council in respect of the power to resolve not to issue a casino premises licence under section 166 of the Gambling Act 2005
14C Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the 2005 Act.	
14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	Section 284 of the 2005 Act.	
14D Power to institute criminal proceedings	Section 284 of the 2005 Act.	
14E Power to exchange information.	Section 350 of the 2005 Act.	
14F Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.	
14G Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the 2005 Act.	
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	
16. Power to license performances of hypnotism.	The Hypnotism Act 1952.	
17. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	

<p>19. Power to register door staff.</p>	<p>Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 and Part V of the London Local Authorities Act 1995.</p>	
<p>20. Power to license market and street trading.</p>	<p>Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 and section 6 of the London Local Authorities Act 1994).</p>	
<p>21. Power to license night cafes and take-away food shops.</p>	<p>Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994.</p>	
<p>22. Duty to keep list of persons entitled to sell non-medicinal poisons.</p>	<p>Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.</p>	
<p>23. Power to license dealers in game and the killing and selling of game.</p>	<p>Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.</p>	
<p>24. Power to register and license premises for the preparation of food.</p>	<p>Section 19 of the Food Safety Act 1990.</p>	
<p>25. Power to license scrap yards.</p>	<p>Scrap Metal Dealers Act 2013</p>	

<p>26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</p>	<p>The Safety of Sports Grounds Act 1975.</p>	
<p>27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</p>	<p>Part III of the Fire Safety and Safety of Places of Sport Act 1987.</p>	
<p>28. Power to issue fire certificates.</p>	<p>Section 5 of the Fire Precautions Act 1971.</p>	
<p>29. Power to license premises for the breeding of dogs.</p>	<p>Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.</p>	
<p>30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.</p>	<p>Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.</p>	
<p>31. Power to register animal trainers and exhibitors.</p>	<p>Section 1 of the Performing Animals (Regulation) Act 1925.</p>	
<p>32. Power to license zoos.</p>	<p>Section 1 of the Zoo Licensing Act 1981.</p>	
<p>33. Power to license dangerous wild animals.</p>	<p>Section 1 of the Dangerous Wild Animals Act 1976.</p>	
<p>34. Power to license knackers' yards.</p>	<p>Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).</p>	

<p>35. Power to license the employment of children.</p>	<p>Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.</p>	<p>Strategic Director Children and Young People</p>
<p>36. Power to approve premises for the solemnisation of marriages.</p>	<p>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510).</p>	<p>Chief Operating Officer</p>
<p>37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to –</p> <p>(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or</p> <p>(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).</p>	<p>Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).</p>	
<p>38. Power to register variation of rights of common.</p>	<p>Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).</p>	
<p>39. Power to license persons to collect for charitable and other causes.</p>	<p>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.</p>	
<p>40. Power to grant consent for the operation of a loudspeaker.</p>	<p>Schedule 2 to the Noise and Statutory Nuisance Act 1993.</p>	

41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.	
42. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957.	
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).	
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.	
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.	
46. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).	
46A. Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers.	Section 115E, 115F and 115K of the Highways Act 1980	Chief Operating Officer
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.	Chief Operating Officer
47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980(a)	Chief Operating Officer
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	Chief Operating Officer

49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	Chief Operating Officer
50. Power to license works in relation to buildings etc., which obstruct the highway.	Section 169 of the Highways Act 1980.	Chief Operating Officer
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	Chief Operating Officer
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	Chief Operating Officer
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.	Chief Operating Officer
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.	Chief Operating Officer
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.	Chief Operating Officer
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematography Film Act 1922.	
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).	
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).	
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).	

<p>60. Power to approve egg product establishments.</p>	<p>Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).</p>	
<p>61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.</p>	<p>Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).</p>	
<p>62. Power to approve fish products premises.</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).</p>	
<p>63. Power to approve dispatch or purification centres.</p>	<p>Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>	
<p>64. Power to register fishing vessels on board which shrimps or molluscs are cooked.</p>	<p>Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>	<p>N/A</p>
<p>65. Power to approve factory vessels and fishery product establishments.</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>	<p>N/A</p>
<p>66. Power to register auction and wholesale markets.</p>	<p>Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</p>	
<p>67. Duty to keep register of food business premises.</p>	<p>Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).</p>	
<p>68. Power to register food business premises.</p>	<p>Regulation 9 of the Food Premises (Registration) Regulations 1991.</p>	

<p>69. Power to issue near beer licences.</p>	<p>Section 16 to 19 and 21 of the London Local Authorities Act 1995 and to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act.</p>	
<p>70. Power to register premises or stalls for the sale of goods by way of competitive bidding.</p>	<p>Section 28 of the Greater London Council (General Powers) Act 1984.</p>	
<p>71. Power to register motor salvage operators</p>	<p>Part 1 of the Vehicles (Crime) Act 2001</p>	
<p>72. Functions relating to the registration of common land or village greens</p>	<p>Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.</p>	
<p>73. Any other licensing related functions which are or becomes a function which cannot be exercised by the Executive.</p>		
<p>C. Functions relating to health and safety at work</p>		<p>All of the functions listed under this section C will be exercised by the Strategic Director, Regeneration and Growth, or by a person nominated or authorised by him or her</p>

<p>1. Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.</p> <p>2. Any other health & safety related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>	<p>Part I of the Health and Safety at Work etc. Act 1974.</p>	
<p>D. Functions relating to elections</p>		
<p>1. Duty to appoint an electoral registration officer.</p>	<p>Section 8(2) of the Representation of the People Act 1983.</p>	<p>Full Council</p>
<p>2. Power to assign officers in relation to requisitions of the registration officer.</p>	<p>Section 52(4) of the Representation of the People Act 1983.</p>	<p>Chief Executive</p>
<p>3. Functions in relation to parishes and parish councils.</p>	<p>Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.</p>	<p>N/A</p>
<p>4. Power to dissolve small parish councils.</p>	<p>Section 10 of the Local Government Act 1972.</p>	<p>N/A</p>
<p>5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.</p>	<p>Section 11 of the Local Government Act 1972.</p>	<p>N/A</p>
<p>6. Duty to appoint returning officer for local government elections.</p>	<p>Section 35 of the Representation of the People Act 1983.</p>	<p>Full Council</p>

7. Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.	Chief Executive
8. Duty to divide constituency into polling districts.	Section 18A – E of, and Schedule A1 to the Representation of the People Act 1983.	Full Council
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Full Council
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	N/A
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Chief Executive
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	N/A
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Chief Executive
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	Chief Executive
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.	NA
16. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000.	Full Council
17. Duty to consult on change of scheme for elections.	Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007	Chief Executive

18. Duties relating to publicity	Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007	Chief Executive
19. Duties relating to notice to Electoral Commission	Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007	Chief Executive
20. Power to alter years of ordinary elections of parish councillors	Section 53 of the Local Government and Public Involvement in Health Act 2007	Full Council
21. Functions relating to change of name of electoral area	Section 59 of the Local Government and Public Involvement in Health Act 2007	Full Council
22. Any other election related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		Full Council
E. Functions relating to name and status of areas and individuals		All of the functions listed in this section will be exercised by the Full Council
1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.	
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.	N/A
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	
4. Power to petition for a charter to confer borough status.	Section 245(b) of the Local Government Act 1972.	

<p>5. Any other similar function in this category which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>		
<p>EB. Functions relating to community governance</p>		
<p>1. Duties relating to community governance reviews.</p>	<p>Section 79 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>Chief Executive</p>
<p>2. Functions relating to community governance petitions.</p>	<p>Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>Chief Executive</p>
<p>3. Functions relating to terms of reference of review.</p>	<p>Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007.</p>	<p>Full Council</p>
<p>4. Power to undertake a community governance review.</p>	<p>Section 82 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>Full Council</p>
<p>5. Functions relating to making of recommendations.</p>	<p>Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007</p>	<p>Full Council</p>
<p>6. Duties when undertaking review.</p>	<p>Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>Chief Executive in relation to section 93</p>
<p>7. Duty to publicise outcome of review.</p>	<p>Section 96 of the Local Government and Public Involvement in Health Act 2007.</p>	<p>Chief Executive</p>
<p>8. Duty to send two copies of order to Secretary of State and Electoral Commission.</p>	<p>Section 98(1) of the Local Government and Public Involvement in Health Act 2007.</p>	<p>Chief Executive</p>

9. Making an order giving effect to the recommendations made in a governance review	Section 86 of the Local Government and Public Involvement in Health Act 2007.	Full Council
10. Any other similar function which by statutory instrument or order are or become functions which cannot be exercised by the Executive.		Full Council
F. Power to make, amend, revoke, re-enact or enforce bylaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	Full Council (other than enforcement which will be exercised by the Chief Operating Officer or by a person nominated or authorised by him or her).
FA. Functions relating to smoke-free premises, etc		Strategic Director, Regeneration and Growth
1. Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006.	
2. Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2, the Health Act 2006.	
3. Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760).	
4. Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)	
G. Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	Full Council

<p>H. Functions relating to pensions etc.</p>		<p>All of the functions listed in this section will be exercised by the Chief Finance Officer except those functions which fall within the terms of reference of the General Purposes Committee or the Pension Fund Sub-Committee and the determination of “stage 2” applications under Regulation 102 of the Local Government Pension Scheme Regulations 1997 on behalf of the Council as Administering Authority and as employer in the case of discretionary matters covered by the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2000 and earlier equivalent Regulations. These functions shall be exercised by the Director Human Resources and Administration. In the absence of the Director Human Resources and Administration, or in the event a conflict arises, these functions shall be exercised by the Chief Finance Officer</p>
<p>1. Functions relating to local government pensions, etc.</p>	<p>Regulations under section 7, 12 or 24 of the Superannuation Act 1972.</p>	
<p>2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.</p>	<p>Section 34 and 36 of the Fire and Rescue Services Act 2004.</p>	<p>N/A</p>

<p>3. Any other pension related functions which by statutory instrument or order are or become functions which cannot be exercised by the Executive.</p>		
<p>I. Miscellaneous functions</p>		
<p>Part I: Functions relating to public rights of way</p>		<p>All of the functions listed under Part 1 of this section will be exercised by the Chief Operating Officer or by a person nominated or authorised by him or her unless within the terms of reference of a Council committee or sub-committee or unless otherwise specified</p>
<p>1. Power to create footpath, bridleway or restricted byway by agreement.</p>	<p>Section 25 of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>2. Power to create footpaths, bridleways and restricted byways.</p>	<p>Section 26 of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>3. Duty to keep register of information with respect to maps, statements and declarations.</p>	<p>Section 31A of the Highways Act 1980.</p>	
<p>4. Power to stop up footpaths, bridleways and restricted byways.</p>	<p>Section 118 of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>5. Power to determine application for public path extinguishment order.</p>	<p>Sections 118ZA and 118C(2) of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>6. Power to make a rail crossing extinguishment order.</p>	<p>Section 118A of the Highways Act 1980.</p>	<p>General Purposes Committee</p>
<p>7. Power to make a special extinguishment order.</p>	<p>Section 118B of the Highways Act 1980.</p>	<p>General Purposes Committee</p>

8. Power to divert footpaths, bridleways and restricted byways.	Section 119 of the Highways Act 1980.	
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.	
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.	
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.	
12. Power to require an applicant for a special diversion order to enter into an agreement.	Section 119C(3) of the Highways Act 1980.	
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.	
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.	
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.	
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.	
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.	
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.	
19. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.	Section 135 of the Highways Act 1980.	

20. Power temporarily to divert footpath, bridleway or restricted byway.	Section 135A of the Highways Act 1980.	
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.	
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.	
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.	General Purposes Committee
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).	
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.	
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.	
27. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.	
28. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.	
29. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981.	General Purposes Committee
30A. Power to authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990(c. 8)	General Purposes Committee

31. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1990.	General Purposes Committee (in relation to stopping up only)
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.	General Purposes Committee
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.	
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.	
Part II: Other miscellaneous functions		
35. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966.	N/A
36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Full Council
37. Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.	The relevant Service Area or Corporate Director may appoint staff on such terms and conditions as they may determine but which are in line with any overall terms and conditions agreed by the General Purposes Committee save that, in the case of posts covered by the Standing Orders Relating to Staff, the terms and conditions shall be determined by the General Purposes Committee and the appointment made by the Senior Staff Appointments Sub-Committee.
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Full Council

39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.	Chief Finance Officer
40. Power to appoint an officer for a particular purpose (appointment of "proper officer").	Section 270(3) of the Local Government Act 1972.	The Chief Executive or the relevant Chief Officer in whose area of responsibility the matter relates.
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981.	N/A
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982.	Strategic Director Regeneration and Growth
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989.	Full Council
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.	Full Council
44A. Duty to provide staff, etc to person nominated by the Monitoring Officer.	Section 82A(4) and (5) of the Local Government Act 2000	Full Council
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000	Full Council
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 2003 (S.I. 2003/533).	General Purposes Committee
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	Strategic Director Regeneration and Growth

47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).	Strategic Director Regeneration and Growth
47A. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.	Strategic Director Regeneration and Growth
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	The relevant director within whose area of responsibility the maladministration arose.
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001	Strategic Director Regeneration and Growth
50. Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime reduction Act 2006	Full Council
51. Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006	Chief Legal Officer
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006	Chief Operating Officer
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006	Chief Legal Officer
J. Other functions which are not to be the responsibility of the Executive		
1. Members allowances.		Full Council

RESPONSIBILITY FOR FUNCTIONS

<p>2. Establishing committees under section 101 of the Local Government Act 1972.</p>		<p>Full Council</p>
<p>3. Except where specified any function which by virtue of any enactment passed or made before 19th October 2000 may be discharged only by an Authority.</p>		<p>Full Council unless otherwise specified elsewhere in the Constitution.</p>

TABLE 2

FUNCTIONS WHERE THE COUNCIL HAS A CHOICE AS TO WHETHER THEY ARE COUNCIL OR CABINET FUNCTIONS AND THE PERSON OR BODY TO WHOM, IF ANY, THE FUNCTION HAS BEEN DELEGATED BY THE COUNCIL OR THE LEADER (INTHE CASE OF CABINET FUNCTIONS)

(1) Function	(2) Cabinet or Council Function	(3) Delegated to
<p>1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.</p>	<p>If the function is a function, which is of a similar type, class or nature to the other functions of the Cabinet, the function will be an Cabinet function. Otherwise the function will be exercised by the Council.</p>	<p>The officer responsible for those types of functions, as set out in Parts 4 or 5 of the Constitution or if none then, in the case of a Council function, the committee or sub-committee responsible for those types of functions.</p>
<p>2. The determination of an appeal against any decision made by or on behalf of the authority.</p>	<p>Council</p>	<p>The relevant Chief Officer within whose Service Area or Corporate Unit the subject matter of the appeal falls or if the matter may not be determined by officers the General Purpose Committee if the matter falls within its terms of reference.</p>
<p>3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools</p>	<p>Cabinet</p>	<p>Strategic Director Children and Young People</p>
<p>4. The making of arrangements pursuant to section 94(1), (1A) and (4) of the 1998 Act (admissions appeals)</p>	<p>Cabinet</p>	<p>Strategic Director Children and Young People</p>
<p>5. The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by governing bodies)</p>	<p>Cabinet</p>	<p>Strategic Director Children and Young People</p>

6. Any function relating to contaminated land.	Cabinet	Strategic Director Regeneration and Growth
7. The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	Strategic Director Regeneration and Growth
8. The service of abatement notice in respect of a statutory nuisance.	Cabinet	Strategic Director Regeneration and Growth
9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Full Council	Strategic Director Regeneration and Growth
10. The inspection of the authority's area to detect any statutory nuisance.	Cabinet	Strategic Director Regeneration and Growth
11. The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	Strategic Director Regeneration and Growth
12. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Council if the information is required for the purposes of a Council function and the Cabinet if for the purposes of a Cabinet function.	The relevant director who has responsibility for the function in question.
13. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council if the particulars are required for the purposes of a Council function and the Cabinet if for the purposes of a Cabinet function.	The relevant director who has responsibility for the function in question.
14. The making of agreements for the execution of highways works.	Cabinet, unless the need for the highways agreement has arisen from a planning decision in which case the responsibility shall be with the Council.	Chief Operating Officer or Planning Committee if it falls within the committee's terms of reference.
15. The appointment of any individual –	The Council	In the case of a member of staff, the relevant director in

<p>(a) to any office other than an office in which he or she is employed by the authority;</p> <p>(b) to any body other than -</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body and the revocation of any such appointment.</p>		<p>whose department or service area the member of staff is employed. In the case of the Councillor appointments they shall be made by Full Council as soon as possible after the Annual Meeting of the Council and then again by the Full Council or the General Purposes Committee if a vacancy arises during that municipal year.</p>
<p>16. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>If the arrangement is in connection with a function of the Cabinet then the Cabinet shall make the arrangement. If the arrangement is in connection with a function which is the responsibility of the Council then the Council shall make the arrangement.</p>	<p>In either case the relevant director within whose area of responsibility the function lies.</p>
<p>17. Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to Local Area Agreements</p>	<p>Cabinet</p>	

TABLE 3

FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF THE CABINET

1. The Cabinet is responsible for formulating or preparing the plans listed in the Table below and then submitting them to the Full Council for consideration and adoption or approval. Note that the plans and strategies in this table constitute the Policy Framework.

Plans and Strategies	Reference	Mandatory (M) or Discretionary (D) Plan
Annual Library plan	Section 1(2) of the Public Libraries and Museums Act 1964	M
Best Value Performance Plan	Section 1 of the Local Government Act 1999	M
Children and Young People's Plan	Children and Young People's Plan (England) (Regulations) 2005	M
Sustainable Community Strategy	Section 4 of the Local Government Act 2000	M
Crime and Disorder Reduction Strategy	Section 5 and 6 of the Crime and Disorder Act 1998	M
Development Plan Documents	Section 15 of the Planning and Compulsory Purchase Act 2004	M
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998	M
Local Transport Plan (but only if the Council becomes a Passenger Transport Authority)	Section 108(3) of the Transport Act 2000	M
A plan or strategy for the control of the authority's borrowing investments or capital expenditure or for determining the authority's minimum revenue provisions		M
Statement of Licensing Policy	Section 5 of the Licensing Act 2003	M
Licensing Authority Policy Statement	Section 349 of the Gambling Act 2005	M
The strategy and plan which comprise the housing investment		D

programme		
Local Agenda 21 Strategy		D
Adult Learning Plan		D
Quality Protects Management Action Plan		D
Corporate Strategy		D
Any other plan or strategy (whether statutory or non statutory) which the authority determines should be approved or adopted by the authority and not the Cabinet.		D

2. The Cabinet or a member of the Cabinet may not in relation to those plans or strategies listed above do the following:-
 - (a) give an instruction requiring the Cabinet to reconsider any draft plan or strategy submitted by the Cabinet for consideration by the Council;
 - (b) amend any draft plan or strategy submitted by the Cabinet for consideration by the Cabinet;
 - (c) approve for the purpose of its submission to the Secretary of State for independent examination, a development plan document;
 - (d) approve, for the purposes of its submission to the Secretary of State or any Minister of the Crown for his or her approval, any such plan or strategy required to be so submitted for approval; nor
 - (e) adopt with or without modification the plan or strategy.

3. Cabinet may amend, modify, revise, vary, withdraw or revoke any such plan or strategy only where such amendment, modification, revision, variation, withdrawal or revocation is:-
 - (a) required for giving effect to any requirements of the Secretary of State or a Minister of the Crown in relation to any such plan or part thereof submitted to him or her for approval; or
 - (b) in the case of development plan documents recommended by the person carrying out an independent examination of any such document; or

4. The Cabinet may make an application:-
 - (a) under subsection (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993 for the inclusion of a disposal in a disposal programme;

- (b) for consent to that disposal under section 32 (power to dispose of land held for the purposes of Part II) or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985;

PROVIDED that the Council has authorised the making of such an application.

- 5. The following shall, subject to paragraph 6 below, be the responsibility of the Council; to make any calculation required to be made in accordance with sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992 whether originally or by way of substitute.
- 6. In relation to those functions listed in the paragraph above the Cabinet may:-
 - (a) prepare estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation and estimates of the calculation for submission to the appropriate part of the Council for consideration;
 - (b) prepare the amounts required to be stated in the precept for submission to the appropriate part of the Council for consideration;
 - (c) reconsider those estimates and amounts in accordance with the Council's requirements; and
 - (d) submit for the consideration by the appropriate part of the Council the revised estimates and amounts.
- 7. The discharge of functions under Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004 (joint local development documents and joint committees) shall, subject to paragraph 8 below, be the responsibility of the Cabinet.
- 8. In relation to the functions listed in paragraph 7 above the Cabinet may not:-
 - (a) make an agreement to prepare one or more joint development plan documents;
 - (b) make an agreement to establish a joint committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority;
 - (c) where the authority is a constituent authority to a joint committee, make an agreement that the joint committee is to be, for the purposes of Part 2 of the 2004 Act, the local planning authority for any area or matter which is not the subject of an order under section 29 of the 2004 Act or an earlier agreement under section 30 of the 2004 Act; or
 - (d) make a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for any area or in respect of any matter.
- 9. Where a function which is subject to an Order made under section 70 of the Deregulation and Contracting Out Act 1994 is the responsibility of the Cabinet then the Cabinet may authorise another person to exercise that function and may revoke any such authorisation.

10. Where a function which is subject to an Order made under section 70 of the Deregulation and Contracting Out Act 1994 is not the responsibility of the Cabinet then the Cabinet may not authorise another person to exercise that function and nor may it revoke any such authorisation.

TABLE 4A**THE MEMBERSHIP AND TERMS OF REFERENCE OF THE HIGHWAYS COMMITTEE OF THE CABINET****Membership**

The committee comprises 5 members of the Cabinet appointed by the Leader.:-

Chair and Vice Chair

To be appointed by the Leader.

Quorum

3 Cabinet members.

Terms of Reference

The Leader has agreed to delegate the following executive functions to the committee: -

1. Scheme approval for traffic management and related matters associated with the public highway, and off-street car parks. Traffic management includes traffic calming, signals, pedestrian crossings, bus lanes, cycle routes, stopping up orders, controlled parking zones, waiting restrictions and charges for parking and penalty charges.
2. Reviewing performance of the implementation of schemes and of parking enforcement.
3. Any other matter relating to traffic management which the Operational Director, Community Services considers should be referred to the Committee for a decision.

The Leader has not delegated to the Highways Committee the strategic and high level highways and transportation matters which includes decisions relating to more than four wards, matters involving expenditure over £500k, or matters which have a significant effect on income, strategies or policies in respect of highways and transportation. These will be considered by the Cabinet.

TABLE 4B

THE MEMBERSHIP AND TERMS OF REFERENCE OF THE BARHAM PARK TRUST COMMITTEE OF THE CABINET

Membership

The committee comprises 5 members of the Cabinet appointed by the Cabinet.

Chair and Vice Chair

To be appointed by the Barham Park Trust Committee

Quorum

3 Cabinet members

Terms of Reference

The Cabinet has agreed to delegate the following executive functions to the committee:-

- (1) the trustee functions in relation to Barham Park Trust including decisions to dispose of land, vary or cease the charitable purpose, or change the trustee, except those functions it has delegated to officers
- (2) an annual review of how the trust is carrying out its charitable purposes and a review of the Trust's finances
- (3) any other matter which the Operational Director Community Services considers ought to be referred to the committee for a decision

The Committee shall meet not less than once per year.

TABLE 5

PROPER AND STATUTORY OFFICER PROVISIONS

The following definitions are used in this Table:-

LGA 1972	=	Local Government Act 1972
LG(MP)A 1976	=	Local Government (Miscellaneous Provisions) Act 1976
RPA 1983	=	Representation of the People Act 1983
LGFA 1988	=	Local Government Finance Act 1988
LGHA 1989	=	Local Government and Housing Act 1989
LGA 2000	=	Local Government Act 2000
FOIA 2000	=	Freedom of Information Act 2000
LASSNHSCR 2009	=	Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

*Chief Officers also have power delegated to them in the table found at paragraph 2.5 of this Part 4 to designate proper officers falling within their area of responsibility.

The following officers and their deputies or person nominated by them for the purpose shall be the proper officer for the purpose specified:-

(1) statutory provision	(2) Function	(3) Proper Officer
Section 83 LGA 1972	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and Councillors.	Chief Executive
Section 84 LGA 1972	Receipt of notice of resignation of office of Mayor, Deputy Mayor and Councillors.	Chief Executive
Section 88 LGA 1972	Convening of meeting for the election of Mayor in the event of a casual vacancy.	Head of Executive and Members Services
Section 89 LGA 1972	Receipt of notice of casual vacancies in the council membership.	Head of Executive and Members Services
Section 100 LGA 1972	All references to proper officer in connection with the access to information	Head of Executive and Members Services

	provisions of the Local Government Act.	
Section 115 LGA 1972	Receipt of monies from accountable officers.	Chief Finance Officer
Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Chief Legal Officer
Section 151 LGA 1972	Officer with responsibility for the council's financial affairs.	Chief Finance Officer
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Head of Executive and Members Services
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of any such document.	Chief Legal Officer
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Chief Legal Officer
Section 234(1) LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue.	All officers specified in paragraph 2.4 of this Part 4.
Section 238 LGA 1972	Certification of printed copies of by-laws.	Chief Legal Officer
Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the council.	Head of Executive and Members Services
Section 35 RPA 1983	The Returning Officer at an election of Councillors of the borough.	Chief Executive
Section 8 RPA 1983	The Electoral Registration Officer of any constituency (or part thereof) in the borough.	Chief Executive

Section 72 Weights and Measures Act 1985	Functions of Chief Inspector of Weights and Measures.	Head of Regulatory Services
Section 114 LGFA 1988	Report to Council concerning unlawful expenditure.	Chief Finance Officer
Section 2 LGHA 1989	Deposit of list of “politically restricted posts” under LGHA 1989.	Director Human Resources and Administration
Section 4 LGHA 1989	Head of paid service.	Chief Executive
Section 5 LGHA 1989	Monitoring officer.	Chief Legal Officer
Regulation 23 Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List.	Chief Finance Officer
Accounts and Audit Regulations 2003	The responsible financial officer.	Chief Finance Officer
Births deaths and marriages	Any reference to the proper officer in any enactment relating to registration of births, death or marriages.	Chief Operating Officer
LGA 1972, Schedule 12, Part 1, Paragraph 4(2)(b)	Signature of summonses to Council meetings and receipt of notices of addresses to which summonses to meetings to be sent.	Chief Executive
Local Government (Committees and Political groups) Regulations 1990	Receipt of notification from members.	Head of Executive and Members Services
Localism Act 2011 Section 29	Establishment and maintenance of the register of interests of members including voting co-opted members.	Chief Legal Officer as Monitoring Officer
Local Authorities (Standing Orders) Regulations 2000	Notices under regulations 5 and 6 regarding proposed appointments of staff.	Director Human Resources and Administration
Local Authorities (Referendums) (Petitions and Directions)	Functions relating to verification and publicity of	Chief Executive

Regulations	petitions.	
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	All references to the proper officer.	Head of Executive and Members Services unless otherwise specified in the Regulations or the Constitution.
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer.	Chief Executive
Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988	All references to the proper officer	Strategic Director Regeneration and Growth
Section 36 FOIA 2000	Qualified person for decision on exempt information not to be disclosed	Chief Legal Officer
Regulation 4 LASSNHSCR 2009	All references to the responsible person	Strategic Director Adults
Local Government Act 2000 Section 9FB	To provide and support to overview and scrutiny committees	Chief Operating Officer
National Health Service Act 2006 S73A	Director of Public Health	Director of Public Health
Generally *	Any other proper officer function not otherwise designated.	Chief Executive

TABLE 6

LIST OF FUNCTIONS THAT MAY ONLY BE EXERCISED BY FULL COUNCIL

(Items in italics and marked with an asterisk are not reserved to the Full Council under the law but are only exercisable by the Full Council under this Constitution)

1	The levying or issuing of a precept for a rate and the setting of council tax and limits for borrowing money.	Local Government Finance Act 1988. Local Government Finance Act 1992. Section 3 Local Government Act 2003.
2	The establishment and abolition of Committees, and Joint Committees (with other local authorities) and the appointment, replacement and removal of members of them other than in cases where the Executive is entitled to make appointments to joint committees <i>and the appointment, replacement and removal of the Chairs, and Vice Chairs of them.*</i>	Local Government Act 1972. Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.
3.	Resolution to operate executive arrangements.	Section 9KC of the Local Government Act 2000.
4.	Authorisation of applications to Secretary of State for approval of housing land transfers.	Leasehold Reform and Urban Development Act 1993. Sections 32 and 43 of the Housing Act 1985.
5.	<i>Approving the work programme of the Overview and Scrutiny Committees*.</i>	
6	Subject to the urgency procedure in the Standing Orders of this Constitution to make decisions about any function of the Cabinet where the decision maker is minded to make a decision which would be contrary to the policy framework or not wholly in accordance with the budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
7	Adopting or amending a members' allowances scheme.	Section 18 of the Local Government and Housing Act 1989. Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

8	Electing and dismissing the Leader	Sections 9I and 9IA of the Local Government Act 2000.
9	Adoption of the Members' Code of Conduct .	Section 27 of the Localism Act 2010
10	Approval of the appointment or dismissal of the <u>Head of Paid Service Chief Executive</u> and the <u>dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.</u>	The Local Authorities (Standing Orders) (England) Regulations 2001 <u>as amended.</u>
11	Adoption of the Policy Framework and the Budget.	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
12	Changing the name of the borough.	Section 74 of the Local Government Act 1972.
13	Appointment of the Mayor.	Schedule 4 to the Local Government Act 1972.
14	Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
15	The making, altering or revoking of standing orders except as provided for in Article 1 of this Constitution.	Sections 29, 106 and Schedule 12 of the Local Government Act 1972. Sections 8 and 20 Local Government and Housing Act 1989.
16	Power to make, amend, revoke or re-enact byelaws.	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.
17	Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
18	The making of an agreement to establish a joint planning committee or to prepare a joint development plan document or to request the Secretary of State to revoke an order establishing such a joint committee.	Sections 28 to 31 of the Planning and Compulsory Purchase Act 2004 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
19	<u>Duty to determine and publish, in respect of its licensing functions, a statement of that policy.</u>	<u>Section 5 of the Licensing Act 2003</u>

<p>20 19</p>	<p>Power to resolve not to issue a casino premises licence and duty to determine and publish the 3 year licensing policy statement</p>	<p>Sections 166 and 349 of the Gambling Act 2005</p>
<p>21 0</p>	<p>Any other matter that by law is reserved for consideration, approval or resolution by the Council.</p>	

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PART 5

TERMS OF REFERENCE FOR COUNCIL COMMITTEES AND SUB- COMMITTEES

Introduction

Health and Wellbeing Board

Standards Committee

Audit Committee

Corporate Parenting Committee

Scrutiny Committee

General Purposes Committee

- *Pension Fund Sub-Committee*
- *Senior Staff Appointments Sub-Committee*
- *Staff Appeals Sub-Committees A and B*

Planning Committee

Alcohol & Entertainment Licensing Committee

- *Alcohol & Entertainment Licensing Sub-Committees A, B & C*

Equalities Committee

Dismissal Advisory Panel

Joint Committees

MEMBERSHIP AND TERMS OF REFERENCE OF COUNCIL COMMITTEES AND SUB-COMMITTEES

Introduction

1. The Council has determined that functions of the Council may be discharged by the committees and sub-committees set out below.

Council Committees

2. The Council has appointed the following committees:
 - Health and Wellbeing Board
 - Standards Committee
 - Audit Committee
 - Corporate Parenting Committee
 - General Purposes Committee
 - Planning Committee
 - Alcohol and Entertainment Licensing Committee
 - Scrutiny Committee
 - Equalities Committee
 - Dismissal Advisory Panel

Council Sub-Committees

3. The General Purposes Committee has appointed the following sub-committees:
 - Senior Staff Appointments Sub-Committee
 - Staff Appeals Sub-Committee A and B
 - Pension Fund Sub-Committee
4. The Alcohol and Entertainment Licensing Committee has appointed 3 Sub-Committees known as Alcohol and Entertainment Licensing sSub-Ceommittee A, B ander C.

Task Groups, Panels and Commissions

5. The Scrutiny Committee may, establish task groups, panels or Commissions.

Political Balance

6. The rules on political balance will apply to all committees and sub-committees except the Alcohol and Entertainment Licensing Committee and its sub-committees. The rules on political balance are disappplied in relation to the Health and Wellbeing Board.

Terms of Reference and Membership

7. The terms of reference and membership of the committees and any special rules relating to membership are set out below.

Joint Committees

8. A number of joint committees have been established with other London Boroughs under the umbrella of the London Councils. The London Councils Committee and the Transport and Environment Committee exercise executive and non-executive functions.
9. The terms of reference and make up of these committees are described below (even though some of the functions are executive functions).
10. The Council has also established the Northwest London Joint Health Overview and Scrutiny Committee.

Health and Wellbeing Board

Membership

- 5 elected councillors to be nominated by the Leader of the Council. Four councillors will be Cabinet members from the majority party. The fifth member will be ~~from an opposition~~ party member. An elected councillor will chair the Health and Wellbeing Board
- 4 representatives of Brent CCG
- A representative of Health Watch
- Chief Executive, London Borough of Brent
- Director of Adult Social Care
- Director of Children's Services
- Director of Public Health
- Strategic Director Regeneration and Growth~~Director of Environment and Neighbourhood Services~~

At least one of the Brent CCG members shall be a GP.

All members of the Health and Wellbeing Board have voting rights, except council officers.

The quorum for the Health and Wellbeing Board be four voting members, with at least two councillors and two other voting members present in order for a meeting to take place.

Terms of Reference

Brent's Health and Wellbeing Board will:

1. Lead the improvement of health and wellbeing in Brent, undertaking duties required by the Health and Social Care Act 2012.
2. Lead the needs assessment of the local population and subsequent preparation of the borough's Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy and ensure that both are updated at regular intervals.
3. Oversee the implementation of the priorities in the borough's health and wellbeing strategy and other work to reduce health inequalities in Brent.
4. Develop initiatives between the council and health service partners to improve health and wellbeing, focussing on tackling Brent's health inequalities.
5. Promote integration and partnership working between health, social care and public health by developing joined up commissioning plans.
6. Provide steer and oversight to CCG and social care commissioning plans to ensure they meet the borough's health needs and the wider strategic plans for health and social care.

7. Consider the wider determinants of health including (but not limited to) housing, education, and the environment to ensure that there is an integrated response to tackling health and wellbeing priorities and health inequalities in Brent.
8. Oversee the borough's plans to respond to a health related emergency.
9. Oversee the development of the borough's pharmaceutical needs assessment, which requires updating every three years.
10. Agree an annual work programme for the Board.

STANDARDS COMMITTEE

Membership

The committee comprises 6 members.

5 members are elected councillors and one member who is a non voting co opted member.

The Leader shall not be a member of the committee.

No more than 1 member of the Executive may be a member of the committee.

Terms of reference

The committee is responsible for the following functions:-

1. To promote and maintain high standards of conduct by members including any co-opted members.
2. To assist members and co-opted members to observe the Brent Members' Code of Conduct, the Planning Code of Practice, the Licensing Code of Practice and any other code of conduct or practice which is adopted ("the Codes").
3. To monitor the operation, effectiveness of and compliance with the Codes and to recommend adoption or revisions of the Codes to the Council.
4. To advise members and co-opted members on matters relating to the Codes and on any other matters related to their conduct and treatment of their pecuniary interests.
5. To provide or arrange training for members and co-opted members on matters relating to the Codes.
6. To receive reports from the Monitoring Officer.
7. To receive allegations referred to it by the Monitoring Officer that a member (including a co-opted member) failed, or may have failed, to comply with the Council's Code of Conduct.
8. To decide whether to ask the Monitoring Officer to investigate allegations or a breach of the Code, or to take no further action.
9. To hold hearings into allegations of misconduct against Councillors once they have been investigated, to consider the views of the Independent Person, and to decide whether in the circumstances:
 - a There was a breach of the Code of Conduct and if so what action should be taken;
 - b There was a breach of the Code of Conduct but that in the circumstances no further action should be taken; or
 - c That there was no breach of the Code of Conduct.

10. To carry out all other functions relating to complaints about members' conduct set out in the Localism Act 2011 and the Code of Conduct.

AUDIT COMMITTEE

Membership

- The committee comprises 5 non-executive councillors and 1 non voting co-opted member.

Terms of Reference

Audit Activity

1. To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed), and the strategic and annual audit plans, and consider the level of assurance these can give over the council's corporate governance arrangements.
2. To consider summaries of specific internal audit reports as appropriate.
3. To consider the annual review of the effectiveness of internal audit.
4. To consider, as required, reports from internal audit on agreed audit recommendations not implemented within a reasonable timescale.
5. To consider specific reports as agreed with the external auditor.
6. To comment on the scope and depth of external audit work and to ensure it gives value for money.

Regulatory Framework

7. To maintain an overview of the Council's constitution in respect of Contract Standing Orders and financial regulations.
8. To review any issue referred to it by the chief executive or a director, or any council body.
9. To monitor the effective development and operation of risk management and corporate governance in the Council.
10. To monitor council policies to facilitate confidential reporting by employees of suspected fraud, corruption or any other wrongdoing, the Council's anti-fraud and anti-corruption policies.
11. To oversee the production of the Council's Statement on Corporate Governance and Internal Control and to recommend its adoption.
12. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
13. To consider the Council's compliance with its own and other published standards and controls.

- 14 To monitor the handling of any reports from the Local Government Ombudsman.

Accounts

15. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
16. To review and approve the statement of accounts and consider whether there are any issues from the financial statements or from the audit that need to be brought to the attention of the Council.

CORPORATE PARENTING COMMITTEE

Membership:

Lead member for children and young people (Chair), five members of the Council and up to four non-voting co-opted members.

Terms of reference:

1. To secure sustained improvements in the life chances of looked after children and care leavers in Brent and work within an annual work plan to that end.
2. To ensure the Council is fulfilling its duties for looked after children and care leavers corporately and with other partners and statutory agencies to ensure services are responsive to the needs of looked after children and care leavers.
3. To monitor and review the quality and effectiveness of services across the council, partner agencies and commissioned services to achieve continuing improvements in outcomes for looked after children and care leavers.
4. To provide a forum for children in care in Brent to talk about issues relating to their experience of being looked after by the Council and to participate in decision making.
5. To directly receive the views of children and young people looked after and leaving care via the Children in Care Council mechanisms and annual consultation to ensure their views and experiences directly influence decisions made at this level.
6. To promote joint-working arrangements between council departments and partner agencies in order to improve outcomes for looked after children.
7. To consider recommendations from internal and external inspections and reviews, to agree the actions needed to address any issues identified and to evaluate the implementation of any agreed plan.
8. To champion the educational achievement of children in care.
9. To develop, maintain and keep under review the Brent Looked After Children and Care Leaver Strategy and Action Plan.
10. To consider matters referred to the Committee within its terms of reference and to make recommendations as appropriate to the relevant committee, portfolio holder, officer or partner agency.
11. To provide an annual report on the work of the Committee, highlighting strengths and areas for development in supporting looked after children in Brent.

SCRUTINY COMMITTEE

Membership

- The Committee consists of fourteen members in total comprising of eight Councillors, 4 voting education co-opted members and 2 non voting education co-opted members.

None of the members shall be members of the Cabinet. Membership should not include members who are members of the Health and Wellbeing Board

Terms of reference

The Scrutiny Committee shall perform the following functions. These functions are subject to the limitations set out below.

1. To review or scrutinise the decisions made or other action taken in connection with the discharge of any of the Authority's executive functions.
2. To make reports and/or recommendations to the Council, or to the Cabinet in connection with the discharge of executive functions, or to their respective committees or sub-committees as the case may be.
3. To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive and to make reports or recommendations to the Council or the Cabinet in respect of such matters.
4. To make reports and/or recommendations to the Council and/or the Cabinet or their committees or sub-committees on matters which affect the Council's area or the inhabitants of that area.
5. To review and scrutinise the performance of any organisational body carrying out any function on behalf of or in partnership with the Council
6. To scrutinise and review planning, provision and operation of health providers in the area.
7. To consider and draft recommendations to Full Council in response to any consultation relating to a substantial development of or variation in the health service in the local authority's area.
8. To coordinate the activities of the Committee with scrutiny undertaken by the voluntary sector and other bodies.
9. To meet as and when required to consider any matter 'called in' in accordance with Standing Orders and to make recommendations thereon.

10. To consider appeals on petitions as set out in the council's Standing Orders relating to petitions.
11. To produce and publish an annual report of it's work.
12. To commission a number of in depth evidence based reviews.

Limitations

- (a) The Scrutiny Committee will not scrutinise decisions made in respect of matters concerning individual applications for consent, permission, approval or grants, particularly individual decisions on planning, licensing, registration, etc.
- (b) The voting co-opted members may only vote on matters relating to school education and the non-voting co-opted members may not vote on any matter.

GENERAL PURPOSES COMMITTEE

Membership

- The committee ~~is~~ comprises 8 councillors.

Terms of Reference

1. Subject to paragraph 10 below, to carry out those functions specified in this Constitution as being the responsibility of the General Purposes Committee, except to the extent that those functions have been delegated to officers or sub-committees of the General Purposes Committee, including but not limited to: -
 - (a) closing and creating footpaths, public rights of way and bridleways;
 - (b) public path and railway extinguishments orders; and
 - (c) agreeing changes to appointments to outside bodies.
2. To appoint its sub-committees as set out in the Constitution.
3. To set the Council Tax Base.
4. To agree the calculation of estimated income from National Non-Domestic Rates.
5. To determine the terms and conditions on which staff appointed by the Senior Staff Appointments Sub-Committee shall hold office, including procedures for their dismissal, and to determine the grading structure to be applied to posts appointed by the Senior Staff Appointments Sub-Committee.
6. To determine the overall framework of terms and conditions of service for employee.
7. To determine matters referred to it by the Chief Finance Officer or the Pension Fund Sub-Committee concerning the Council's functions under the Local Government Pension Scheme.
8. To hear and determine applications under licensing legislation (other than the Licensing Act 2003 or the Gambling Act 2005) which are considered significantly contentious by the Strategic Director Regeneration and Growth or in respect of which an applicant is entitled to be heard by a committee or sub-committee of members.
9. To hear and determine appeals against officer decisions regarding licence applications under the Scrap Metal Dealers Act 2013.
10. To carry out any non-executive functions which are not the responsibility of any other person or Council committee or sub-committee, except where prevented by law from doing so or by any other provision in this Constitution.

11. To carry out any other functions which are non-executive functions and which have been delegated to its sub-committees or officers but which the relevant sub-committee or officer is for whatever reason unable or unwilling to so exercise.

PENSION FUND SUB-COMMITTEE

Membership

The sub-committee comprises 7 councillors and 2 non-voting co-opted members from the College of North West London and Brent Care at Home

Terms of Reference

1. To undertake statutory functions on behalf of the Local Government Pension Scheme and ensure compliance with legislation and best practice.
2. To determine policy for the investment, funding and administration of the pension fund.
3. To consider issues arising and make decisions to secure efficient and effective performance and service delivery.
4. To appoint and monitor all relevant external service providers for the Brent Pension Fund, namely:
 - fund managers;
 - custodian;
 - corporate advisers;
 - independent advisers;
 - actuaries;
 - governance advisers;
 - all other professional services associated with the pension fund.
5. To monitor performance across all aspects of the service.
6. To ensure that arrangements are in place for consultation with stakeholders as necessary
7. To consider the annual statement of pension fund accounts.
8. To consider and approve the Brent Pension Fund actuarial valuation

SENIOR STAFF APPOINTMENTS SUB-COMMITTEE

Membership

- The sub-committee ~~is~~ comprises 5 councillors, at least one of whom shall be a member of the Cabinet.

Terms of Reference

To make appointments to the senior posts set out in the Standing Orders relating to Staff, subject to first complying with the procedures for such appointments set out in those Standing Orders and on the terms and conditions agreed by the General Purposes Committee.

STAFF APPEALS SUB-COMMITTEE A AND B

NB: There are two sub-committees which will meet on an ad hoc basis in rotation or as determined by the Head of Executive and Member Services.

Membership

The sub-committee ~~is~~ comprised of 5 councillors.

Terms of Reference

To consider and determine, in accordance with the relevant terms and conditions of service, any appeal by any person employed or purportedly employed by the Council against any dismissal arising out of disciplinary action.

PLANNING COMMITTEE

Membership

- The committee ~~is~~ comprises -8 councillors.

Terms of Reference

1. To determine applications for planning permission, consent or approval (including listed building and conservation area consent) in respect of the following types of development:-
 - (i) construction of 20 or more dwellings;
 - (ii) outline residential development with a site larger than 0.1 hectare (approximately ¼ acre);
 - (iii) construction of non-residential building exceeding 500 sq. metres in floorspace outside a designated employment area; and
 - (iv) outline non-residential development with a site larger than 0.1 hectare (approximately ¼ acre), outside a designated primary employment area.
2. To determine applications for planning permission, consent or approval (including listed building and conservation area consent) which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any application for planning permission, consent or approval (including listed building and conservation area consent) which at least three members of the Council have requested, in accordance with the Planning Code of Practice, be considered by the Planning Committee
4. To determine any other application for planning permission, consent or approval (including listed building and conservation area consent) in respect of which written objections have been received from 3 or more households or businesses except where those objections relate to:-
 - (i) Alterations to residential buildings including extensions, outbuildings (including garages), walls, vehicular accesses and hardstandings, and porches
 - (ii) satellite television dishes or aerials
 - (iii) other domestic aerials
 - (iv) certificates of lawful use or development (except applications which relate to the lawfulness of the use of a dwelling house by more than one family unit)

AND except where the officers are in any event minded to refuse the permission, consent or approval.

5. To determine any application for planning permission, consent or approval (including listed building and conservation area consent) which would, in the reasonable opinion of the Strategic Director Regeneration and Growth or the Head of Area Planning, significantly conflict with Council policies.

6. To determine any application for, or revocation of, planning permission or consent or approval (including listed building and conservation area consent) in case where the approval or revocation would, in the reasonable opinion of the Strategic Director Regeneration and Growth or the Head of Area Planning, give rise to the payment of compensation.
7. To authorise the service of an enforcement or stop notice in respect of breaches of planning, listed building, advertisement and hazardous substances control where such action would involve the payment of compensation.
8. To agree to enter into agreements pursuant to section 106 of the Town and Country Planning Act 1990, section 38 of the Highways Act 1980 or any other agreements required in connection with any permission, consent or approval granted by the committee and to authorise officers to make such agreements subject to such restrictions as it considers appropriate.
9. To determine any matter relating to planning or hazardous substances which are delegated to officers, other than Executive functions, but which the Strategic Director Regeneration and Growth or Head of Area Planning considers appropriate for the committee to consider.
10. To authorise the making of Tree Preservation Orders in cases where the relevant officer has declined to make an order.
11. In relation to other planning and/or development control matters:
 - (a) where requested by officers or the Cabinet to do so, to provide comments back to them on any applications for development in neighbouring boroughs and any changes to planning policy in other boroughs.
 - (b) to consider and recommend to the Cabinet or officers amendments to adopted or draft development plan documents, supplementary planning documents, planning briefs or other similar documents.
 - (c) to comment on development proposals following presentations by applicants and their agents of more significant proposals at a pre-application stage.
12. To determine, agree, or authorise matters delegated to the Council under the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation and the Protocol agreed by Full Council on 2nd March 2015, so far as they fall within those functions delegated to this Committee as set out in paragraphs 1 -11 above and subject to limitations below.

Limitations

- (a) None of the above will apply to any application for permission or consent which the Council is required to refuse in accordance with a direction to do so from the Mayor of London or any Minister of the Crown issued pursuant to any legislative provision in which case the refusal shall be issued by the Strategic Director Regeneration and Growth or the Head of Area Planning but reported to the Planning Committee for information.

- (b) Nothing in paragraphs 1-12 above shall apply to applications for permission for telecommunication masts submitted by telecom operators under Part 24 of Town and Country Planning (General Permitted Development) Order if the meeting at which the matter would be considered would take place after the deadline specified in that order for responding to the application in which case the application may, for the avoidance of doubt, be determined by officers under delegated powers.

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

Membership

- The Committee ~~is~~ comprises 15 members.

Terms of Reference

1. To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act and the making of a resolution not to issue a casino premises license under section 166 of the Gambling Act.
2. To establish and appoint to sub-committees to determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, ~~police~~ objections to temporary event notices and any applications requiring a hearing under the Act and to determine matters under the Gambling Act 2005 regarding premises licenses, provisional statements, variations of premises licenses, transfers of premises licenses, reviews of premises licenses and any applications requiring a hearing under the Act.
3. To arrange for the discharge of the functions governed by the Licensing Act 2003 and the Gambling Act 2005 by its sub-committees or by officers except where prohibited from doing so by those or any other statutory provision.
4. To receive and consider annual reports, where appropriate, on the needs of the local tourist economy, employment and investment in the area and any other matter directly related to the licensing functions in the borough.
5. To direct officers to report to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

Alcohol and Entertainment Licensing Sub-Committee 'A' / 'B' / 'C'

Membership

- Each sub-committee comprises 3 members.
- All members and alternate members must be members of the Alcohol and Entertainment Licensing Committee.

Terms of Reference

Licensing Act 2003

1. To determine applications for personal licences where the police have served an objection notice.
2. To determine applications for premises licences, club premises certificates and provisional statements where a relevant representation is made.
3. To determine applications to vary premises licences and club premises certificates where a relevant representation is made.
4. To determine applications to vary a designated premises supervisor where a police objection is received.
5. To determine applications for transfer of a premises licences where a police objection is received.
6. To determine applications to review premises licences and club premises certificates.
7. To determine applications for interim authorities where a police objection is received.
8. To determine an ~~n~~-police objection to a temporary event notice.

Gambling Act 2005

9. To determine applications for premises licences and provisional statements where representations have been made
10. To determine applications for variation of premises licences where representations have been made.
11. To determine applications for transfer of premises licences where representations from the Gambling Commission are received.

12. To review premises licences under section 201.

General

13. To determine any application or variation which is capable of being determined by officers but which the Strategic Director Regeneration and Growth considers appropriate for the Sub-Committee to consider.

EQUALITIES COMMITTEE

Membership

- The committee comprises 5 councillors and will be chaired by the Cabinet Member with responsibility for Equalities.

Terms of Reference

1. To ensure the Council's plans and practice reflect current and future equalities legislation and guidance.
2. To oversee the council's achievement and maintenance of the Excellent Standard in the Equalities Framework for Local Government.
3. To monitor the progress of the Equalities & HR Policies Review Action Plan.
- 3.
3. ~~To meet quarterly.~~

DISMISSAL ADVISORY PANEL

Membership

- The Panel comprises 3 independent persons appointed under s28(7) of the Localism Act 2011 and in accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the 2015 Regulations”).
- The Panel shall be appointed at least 20 working days before any meeting of Full Council to consider whether or not to approve a proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer for any reason other than redundancy, permanent ill-health or infirmity of mind or body.

Terms of reference

1. The function and remit of the Panel are as set out in the 2015 Regulations. Accordingly, the Panel can give advice, express its views and make recommendations to Full Council before it meets to consider whether or not to approve a proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer.”

JOINT COMMITTEES

1. INTRODUCTION

The Council is a member of a number of joint committees under the umbrella of London Councils (formerly known as the Association of London Government or the ALG). The ALG Agreement dated 1 April 2000 (as varied by an agreement dated 13 December 2001) established the Leaders' Committee, the Grants Committee and the London Housing Unit Committee as joint committees. There is a further agreement dated 15 January 1998 (as varied by the Agreement dated 13 December 2001), which established another joint committee known as the Transport and Environment Committee. The Council is also a member of the Northwest London Joint Health and Overview and Scrutiny Committee [and the West London Economic Prosperity Board](#).

2. LONDON COUNCILS' COMMITTEE (KNOWN AS THE LEADERS' COMMITTEE)

Membership

- The Leaders' Committee is comprised of the Leader of each of the 33 London Local Authorities including the Leader of Brent Council.

Terms of Reference

The terms of reference of the Committee are set out in full in the Agreement dated 1 April 2000 and are summarised below:

1. To consult on the common interests of the London Local Authorities and to discuss matters relating to Local Government.
2. To represent the interests of the London Local Authorities to national and Local Government, to Parliament, to the European Union and other international organisations and to other bodies and individuals, and to negotiate as appropriate on behalf of member authorities.
3. To formulate policies for the development of democratic and effectively management Local Government.
4. To provide forums for the discussion of matters of common concern to the London Local Authorities and a means by which their views may be formulated and expressed.
5. To appoint representatives or staff to serve on any other body.
6. To represent the interests of the London Local Authorities as employers.
7. To provide services to the London Local Authorities including the dissemination of information on Local Government and on other relevant issues.
8. To provide information to the public, individuals and other organisations on the policies of London Councils and Local Government issues relevant to London.

9. To act as the regional body of the Local Government Association.
10. To act for, and on behalf of London Local Authorities in their role as employers, through the provision and development of a range of services.

Rules of Procedure

The rules of debate and procedure for the conduct of meetings of the Leaders' Committee are set out in Standing Orders contained in the 1 April 2000 Agreement and which are also published on the London Councils' website. London Councils is also required to comply with Financial Regulations contained in the ALG Agreement. These Standing Orders and Financial Regulations also apply to the other London Councils joint committees detailed below.

3. TRANSPORT AND ENVIRONMENT COMMITTEE

Membership

- This Committee was established under an Agreement dated 15 January 1998, which was varied by Agreements dated 13 December 2001 and 1 May 2003. The Committee is comprised of one councillor from each of the London Local Authorities including a councillor from Brent Council and Transport for London.

Terms of Reference

The terms of reference of the Committee are set out in full in the Agreement of 13 December 2001 and are summarised below:

1. Appoint and provide accommodation and administrative support for parking adjudicators and determine the places at which parking adjudicators are to sit.
2. Determine the penalty charge levels and fees for de-clamping, vehicle recovery, storage and disposal subject to the approval of the Secretary of State.
3. Determine the rate of discount for early payment of penalty charge notices.
4. Determine the form for aggrieved motorists to make representations to London Local Authorities under Section 71 of the Road Traffic Act 1991.
5. The publication and updating as necessary of the Code of Practice for Parking in London.
6. The co-ordination and maintenance of vehicle removal and clamping operations.
7. The establishment of links with the Metropolitan and City Police and County Courts and the DVLA.
8. Ticket processing, general data collection and service monitoring.
9. The establishment of common training standards in connection with parking standards, the accreditation of training centres and award qualifications.
10. The establishment of London-wide parking schemes.

11. Implementation and enforcement of the London Lorry Ban.
12. Managing the Concessionary Fares Scheme.
13. Managing the London Taxicard Scheme.

4. GRANTS COMMITTEE

Membership

- This Committee was established to take decisions in relation to the London Councils Grants Scheme which was established under section 48 of the Local Government Act 1985. The members of the Grants Committee are from the 33 London Boroughs (this includes the City of London).

Terms of Reference

The Terms of Reference of the Committee are:

1. to ensure the proper operation of the London Borough Grants Scheme;
2. to make recommendations to the Leaders' Committee on overall policies, strategy and priorities;
3. to make recommendations to the Leaders' Committee on the annual budget for the London Borough Grants Scheme;
4. to consider grant applications and make grants to eligible voluntary organisations; and
5. to make all decisions relating to the making of grants and the operation of the scheme save those which are specifically reserved to constituent councils.

5. LONDON HOUSING CONSORTIUM

Membership

- The London Housing Consortium is a joint committee and is a building procurement consortium for housing, schools and corporate buildings. There are 12 Full Members of the London Housing Consortium which comprise of ten London Boroughs, Buckinghamshire County Council and one registered social landlord.

Terms of Reference

The Terms of Reference of this Committee are:

1. To provide specialist technical and procurement services related to building programmes undertaken by London Housing Consortium constituent authorities and other public sector bodies.
1. To establish, develop and manage framework agreements for the procurement of building components and services for the use and benefit of all constituent authorities and other public sector bodies.

NORTH WEST LONDON JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Membership

One nominated voting member from each Council participating in the North West London Joint Health Overview and Scrutiny Committee plus one alternate member who can vote. The committee will require at least six members in attendance to be quorate.

Chair and Vice Chair

The North West London Joint Health Overview and Scrutiny Committee will elect its own chair and vice chair. Elections will take place on an annual basis each May, or as soon as practical thereafter, such as to allow for any annual changes to the committee's membership.

Terms of Reference

1. To scrutinise the 'Shaping a Healthier Future' reconfiguration of health services in North West London; in particular the implementation plans and actions by the North West London Collaboration of Clinical Commissioning Groups ('NWL CCGs'), focussing on aspects affecting the whole of North West London.
2. To review and scrutinise decisions made or actions taken by NWL CCGs and/or other NHS service providers, in relation to the 'Shaping a Healthier Future' reconfiguration, where appropriate.
3. To make recommendations to NWL CCGs, NHS England, or any other appropriate outside body in relation to the 'Shaping a Healthier Future' plans for North West London; and to monitor the outcomes of these recommendations where appropriate.
4. To require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply with the scrutiny function of health services in North West London.

The stated purpose of the North West London Joint Health Overview and Scrutiny Committee is to consider issues arising as a result of the Shaping a Healthier Future reconfiguration of health services, taking a wider view across North West London than might normally be taken by individual Local Authorities. Individual local authority members of the North West London Joint Health Overview and Scrutiny Committee will continue their own scrutiny of health services in, or affecting, their individual areas (including those under 'Shaping a Healthier Future').

Participation in the Joint Health Overview and Scrutiny Committee will not preclude any scrutiny or right of response by individual boroughs. In particular, and for the sake of clarity, this joint committee is not appointed for and nor does it have delegated to it any of the functions or powers of the local authorities, either individually or jointly, under Section 23 of the local authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Duration

The Joint Health Overview and Scrutiny Committee will continue until March 2018, to match the planned implementation timeframe for the Shaping a Healthier Future programme. During this period, the committee will also hold an annual review in May each year, or as soon as practical thereafter, where it will consider and decide whether there is a need for the Joint Health Overview and Scrutiny Committee to continue or whether it has fulfilled its remit and should terminate earlier than 2018. This does not preclude individual local authorities from leaving the Joint Health Overview and Scrutiny Committee before this date. Should there be any proposals for a Joint Health Overview and Scrutiny Committee beyond this date, this would need to be considered by each participating authority in line with its own constitution and policies.

WEST LONDON ECONOMIC PROSPERITY BOARD

Membership

1 member from each participating borough. Brent Council will be represented by the Leader or another Member of the Cabinet nominated by the Leader.

Terms of Reference

The participating boroughs have agreed arrangements for certain of their functions to be discharged jointly with the intention of promoting economic prosperity in West London as detailed in the Board's Functions and Procedure Rules and other governance documentation.

PART 6

OTHER RULES AND REGULATIONS

Access to Information Rules

Financial Regulations

Scheme of Transfers and Virements

ACCESS TO INFORMATION RULES

Scope

1. These rules apply to all meetings of the Council and its committees and sub-committees and ~~public~~ meetings of the Cabinet and its committees except where specified (together these meetings are herein referred to as "meetings"). ~~Public meetings of the Cabinet are those meetings which are required to be held in public i.e. where a Key Decision will be made or discussed in the circumstances specified in Rule 28 below and those which the Cabinet determine should be held in public.~~
- 1.
2. Nothing in these rules shall be treated as limiting or diminishing any rights conferred on the public, members of the Council or co-opted or independent members by any of the Standing Orders or other rules in the Constitution or the law.

Rights of Press and Public to attend Meetings

3. The press and public shall, subject to the exceptions contained in these rules, be entitled to attend all meetings subject to the capacity of the room in which the meeting is held. Unless there is another meeting being held in the room in which the meeting is to be held, the press and public will be admitted to the room 30 minutes before the meeting is due to start.
4. Separate seating will be provided for the press and public and admission will be on the basis of "first come, first served" with no seating being reserved.
5. Except in respect of disturbances and unruly behaviour, the press and public may only be excluded from a meeting in respect of business relating to confidential or exempt information as defined in the relevant legislation and set out below, and any resolution excluding press and public shall specify the nature of the confidential and/or exempt information relating to the business to be transacted which justifies the exclusion.
6. Tweeting, blogging etc. and filming from hand held devices will normally be permitted at meetings without advance notice, however it is important that meetings are allowed to discharge their business without distraction or disruption both to the Councillors and officers at the table and any public present. This means that 'roving' filming close to or around the meeting table and filming using flash lighting will not normally be allowed. The Chair shall have discretion over deciding whether any such activity poses a threat to the efficient conduct of the meeting. Further rules governing the media are set out below.
7. No animal shall be allowed into any meeting, except a guide dog accompanying a blind or deaf person.

Media

8. Photography and sound recording shall generally be permitted except where the public and media have been excluded, ~~and provided notice is given to the Head of Executive and Member Services by noon on the day of the meeting concerned.~~ Any individual or television production company shall be permitted to film any proceedings of any meeting except where the public and the media have been

excluded. Any filming shall only take place from the positions authorised by the Head of Executive and Member Services for that purpose.

9. The Chair shall have discretion to regulate the behaviour of all media representatives present at a meeting in the interests of the efficient conduct of the meeting. In exercising this discretion the Chair shall have regard to the following principles:
- (a) the Chair's discretion shall not be used for the purpose of seeking to limit or restrict the right of the press to fairly report the business of the Council conducted in public and shall be used only for the purpose of enabling the efficient conduct of the meeting.
 - (b) the main priority shall be to enable the business of the meeting to be conducted by the members.
 - (c) the second priority shall be to enable the public and media representatives present at the meeting to see and hear the business being conducted.
 - (d) the third priority shall be to facilitate photography, sound recording and filming of the proceedings, bearing in mind always that these facilities are provided at the discretion of the Council and are in addition to the basic legal entitlement of the media to report the proceedings of the Council.
 - (e) generally media representatives will not be permitted to wander round within the meeting room.
 - (f) the use of any equipment which interferes with the efficient operation of hearing aids or facilities to improve hearing for the hearing impaired shall not be permitted.
 - (g) any sound recording equipment must not operate in such a way as to be audible and generally wandering microphones will not be permitted other than for brief periods not exceeding a few minutes.
 - (h) any photography must take place from positions approved by the Head of Executive and Member Services so that the view of members, officers, public and media representatives in attendance is not obstructed. Any use of flash lighting will generally be permitted for periods not exceeding a few minutes with much longer intervals between. Generally, close up photography in the sense of the photographer being close to the subject will not be permitted, with or without flash lighting; where this is desired it should be arranged before or after the meeting.
 - (i) if filming causes any noise it will be limited as for sound recording. Use of additional lighting in connection with filming will be restricted as for flash photography to minimise inconvenience to those others in attendance at the meeting.

~~in the event of any television production company filming a meeting and then providing an unbalanced or unfairly edited account of it (applying the same criteria as are used in the televised reporting of Parliament) then the company concerned shall be denied any further filming facilities at meetings.~~

- (j) any disruptive behaviour by any media representative will be dealt with in the normal manner under these rules.
- (k)
- (k) where appropriate, the Chair and/or Head of Executive and Member Services as the case may be will give preference to media representatives who obtain agreement to their proposed activity before the meeting takes place.

Notice of Meetings - The Weekly List

10. Notice of meetings shall be given at least five clear working days in advance. On Friday in each week a list shall be published at the Civic Centre and on the Council's website giving notice of the meetings to be held in the week commencing on the second Monday following publication of the notice. This list should be known as "The Weekly List". If the Friday falls on a public holiday then the Weekly List shall be published the working day before the Friday.

Access to Agendas and Reports prior to Meeting

11. Except in the case of urgency (see below) or in relation to the Standards Committee the agenda for, and any reports or minutes to be submitted to, meetings shall be sent to members of the Cabinet or the relevant committee or sub-committee at least five clear working days in advance of the meeting in question.
12. Once agendas have been sent out as above, an item may only be added if it is urgent in the opinion of the Chair.
13. The papers which do not relate to any exempt or confidential matters ("the open papers") shall also be available for public inspection at the Civic Centre and on the Council's website from the date copies are sent or given to members together with the list of relevant background information (see below) and shall be despatched to any members who are not members of the committee or sub-committee upon request.
14. Where a report to the Cabinet or a committee of the Cabinet contains exempt or confidential matters such that it is likely that information will not be discussed at the meeting in public or be available to the public, the Council will give 28 days notice (at its offices and on its website) of its intention not to provide such information and the reasons for this and these details will be included in the Forward Plan. Further notice will be given 5 days before the meeting with details of any representations made, and the Council's response. Where, because of the date by which the meeting must be held, the notice cannot be given, agreement must be given by the Chair of Scrutiny Committee and reasons for the urgency must be given and published on the Council's website.

Access to minutes and papers after a decision has been taken

15. The Council will make available for inspection during normal office hours and on the Council's website, copies of the following for at least six years after a decision has been taken:
 - (a) the minutes of any meeting and, in the case of any Key Decision, the record of the decision required to be prepared pursuant to these Rules (but

excluding any minute or record which discloses any exempt or confidential information);

- (b) a summary of any proceedings not open to the public where the minutes or record open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

Background Papers

16. All reports shall include a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the proper officer who shall be the relevant Service Area or Strategic Director within whose Service Area or Corporate Unit the report was written or relates:
- (a) discloses any facts or matters on which the report or an important part of the report is based; and
 - (b) have been relied on to a material extent in preparing the report but do not include published works or those which disclose exempt or confidential information or the advice of a political adviser appointed under section 9 of the Local Government and Housing Act 1989.
17. The relevant Service Area or Strategic Director will make available for public inspection during normal office hours and on the Council's website for four years after the date of the meeting a copy of each of the documents on the list of background papers.

Supply of Copies

18. The Council will supply copies of:
- (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars which are not exempt or confidential and which are necessary to indicate the nature of the items in the agenda; and
 - (c) any minutes and records of decisions
 - (d) if the Head of Executive and Member Services thinks fit, any other documents supplied to councillors in connection with an item

to any person upon payment of the Council's standard charge for copying and postage and any other costs incurred.

Rights of Access for Members of the Council

19. Any member of the Council will be entitled to inspect any document in the possession or under the control of the Council which relates to any business to be transacted at a meeting of the Council, a committee or a sub-committee, except any part of a document that contains exempt information.

20. Any member of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any business to be transacted at a public meeting except any part of a document that contains exempt information or advice of a political adviser appointed under section 9 of the Local Government and Housing Act 1989.
21. Any member of the Council will be entitled to inspect at the conclusion of a meeting of the Cabinet or, in the case of an executive Decision made by an Officer, immediately after that decision has been made, any document which is in the possession, or under the control, of the Cabinet and which contains material relating to any business previously transacted at a private meeting or (in the event that they are permitted to take decisions) any decision taken by an individual member of the Cabinet or any executive decision made by an officer except any part of a document that contains exempt information or advice of a political adviser appointed under section 9 of the Local Government and Housing Act 1989.
22. Notwithstanding anything in paragraphs 19 to 21 a member is entitled to inspect any information that is exempt information if it falls within;
- (a) Category 3* "information relating to the financial or business affairs of any particular person (including the authority holding that information)" unless it contains information that relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or
 - (b) Category 6* "Information which reveals that the authority proposes -
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (ii) to make an order or direction under any enactment" a member is entitled to have access to that information.

*Category refers to one of the categories of exempt information set out in paragraph 52.

23. These rights of a member are additional to any other right he/she may have.

Additional rights for members of Scrutiny Committee

24. Any member of the Scrutiny Committee shall be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to any business already transacted at a meeting or (in the event that they are permitted to take decisions) any decision taken by an individual member of the Cabinet or any Key Decision that has been made by officers except:-
- (a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or to any review contained in any programme of work of the Scrutiny Committee of which they are member; or
 - (b) the advice of a political adviser appointed pursuant to Section 9 of the Local Government and Housing Act 1989.

Human Rights Act

25. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Key Decisions

26. A decision taken by Cabinet or an officer exercising an executive function under delegated powers will be a Key Decision if the decision is likely to:
- (a) 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 decision relates; or
 - (b) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority
27. Number not in use
28. In determining whether a decision falls into one of the above categories officers must consider each decision in light of its particular facts having regard to the statutory definition of Key Decisions and to:
- any relevant statutory guidance in force at the time;
 - the amount of money concerned;
 - the type of function; and
 - the overall circumstances of the case.
29. Special attention should be paid to decisions which are likely to result in a service area or corporate unit incurring expenditure which is, or the making of savings which are, 30% or more of its budget for the function in question. In determining what is a 'budget' or a 'function' for these purposes the person or body taking the decision should have regard to any guidance from the Monitoring Officer or Chief Finance Officer.

Consequences of a decision being classed as a Key Decision.

30. Subject to the rules on urgency (set out in the Standing Orders), a Key Decision may not be taken (by the Cabinet or officers) in respect of any matter unless the matter in question has been publicised in the Forward Plan and unless the reports to be considered by the decision maker have been available for public inspection for at least 5 clear days prior to the date on which the decision is made and copied to the Chair of the Scrutiny Committee.
31. ~~If the Cabinet or its committee(s) meet(s) to take a Key Decision then it must meet in public (unless the matter relates to exempt or confidential information). For the time being, the Cabinet will, except when the matter relates to exempt or confidential information, always meet in public for their regular scheduled decision taking meetings whether or not the decisions being taken at that meeting would otherwise fall within the definition of a Key Decision.~~

- 32.** If the Cabinet or its committee(s) meet with an officer present (other than a political assistant appointed under section 9 of the Local Government and Housing Act 1989) to discuss a matter relating to a decision included in the current Forward Plan within 28 days of the date according to the Forward Plan by which the matter is to be decided, or to discuss a matter in respect of which notice has been served under Rule 38 then the meeting shall be held in public. This requirement does not apply to meetings whose principal purpose is for officers to brief members e.g. the Leader's Briefing.
- 323.** As soon as reasonably practicable after a Key Decision has been taken a record of that decision must be prepared in accordance with these Rules and made available for public inspection. This will be included in the minutes of the meeting.

The Forward Plan

- 334.** A Forward Plan shall be prepared by the Head of Executive and Member Services to cover a period of not less than 28 days before any decision on it is to be made.
- 345.** The Forward Plan will contain details of the matters which the Head of Executive and Member Services has reason to believe will be the subject of a decision to be taken by the Cabinet or a committee of the Cabinet and any Key Decisions to be taken by officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
- (a) that a key decision is to be made on behalf of the relevant local authority;
 - (b) the matter in respect of which the decision is to be made;
 - (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
 - (d) the date on which, or the period within which, the decision is to be made;
 - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
 - (g) that other documents relevant to those matters may be submitted to the decision maker; and
 - (h) the procedure for requesting details of those documents (if any) as they become available.
- 356.** A Key decision must be included on the Forward Plan not less than 28 days before the decision is to be made.
- 367.** [Number not in use].

378. Exempt information need not be included in the Forward Plan and confidential information cannot be included. In accordance with paragraph 14 above, the reasons for excluding such information shall be given on the Forward Plan.

Urgency

389. The reports which relate to an item of urgent business which is added to an agenda in accordance with these Rules after the agenda has been sent out and/or the reports which relate to an item of business which is included on an agenda but in respect of which it was not possible for the report to be sent out with the agenda in accordance with these Rules shall be sent or given to members of the Cabinet or the committee or sub-committee concerned as soon as reasonably practicable and shall thereafter be made available for other members of the Council and for public inspection together with the list of background information.
3940. The reason(s) for urgency shall be specified in the minutes of the meeting concerned together with the reason why it was not possible for the report to be available when the agenda was published (where relevant).

Non-compliance

401. The Leader shall report to Full Council any decisions which were Key Decisions in respect of which the rules applicable to such decisions were not complied with.
412. If the scrutiny committee considers that a Key Decision has been taken but the Rules applicable to such decisions were not complied with (and nor did any of the exceptions apply) then the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee may specify. The power to require a report rests with the committee but is also delegated to the Head of Executive and Member Services, who shall require such a report on behalf of the committee when so requested by 40% of the Members of the committee. Alternatively the requirement may be raised by resolution passed at a meeting of Scrutiny Committee.
423. If requested to do so in accordance with the above rule the Cabinet will prepare a report for submission to the next available meeting of the Full Council. However, if the next meeting of the Full Council is within 9 days of receipt of the written notice or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body taking the decision, if the Leader is of the opinion that it was not a Key Decision the reasons for that opinion or, if the Leader considers that the decision was a Key Decision but that the rules for taking the decision were complied with, the reasons for that opinion.

Record of Executive Decisions

434. In addition to the List of Executive Decisions prepared by the Head of Executive and Member Services under Standing Orders, the Head of Executive and Member Services will, as soon as reasonably practicable after a public meeting of the Cabinet, produce a record of every decision taken at that meeting which shall include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting any conflict of interest declared by any member and any dispensation granted.

445. As soon as reasonably practicable after an Executive Decision has been taken by an officer a record of that decision shall be prepared by the relevant officer setting out the information listed above and shall be forthwith submitted to the Head of Executive and Member Services. An Executive Decision by an officer is a decision which is a Key Decision, or a decision which is delegated to an officer by the Cabinet.
456. A copy of the record(s) so prepared and the reports considered (unless confidential or exempt) and the background documents shall be made available for public inspection at the Council offices and on the website.

Joint Committees

467. These Rules apply to the Council's Joint Committees as follows:
- (a) If all the members of a joint committee are members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet.
 - (b) If the joint committee contains members who are not on the Cabinet of any participating authorities then the access to information rules in Part VA of the Local Government Act 1972, as applicable to meetings of the Full Council and its committees will apply.

Exempt and Confidential information

478. Nothing in the above shall be taken to authorise the publication of any report which in the discretion of the Head of Executive and Member Services is marked not for publication in accordance with the Local Government Act 1972 i.e. it contains confidential or exempt information.
489. Reports containing confidential information shall remain not for publication but in respect of reports containing exempt information the meeting to which the report is submitted may decide to take the report while the press and public are present in which case copies shall be made available to press and public at that time and the report and list of background information shall be available for public inspection from the next working day following the meeting.
4950. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
501. The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
512. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by law or Court Order.
523. Exempt information means information falling within any one of the following 7 categories but the information is **only considered exempt, if and so long**, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Categories of exempt information

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). However Information falling within this paragraph is not exempt information if it is required to be registered under—
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 2011.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes -
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

534. Information falling within any of categories 1-7 is not exempt if it relates to proposed development for which the Council can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

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FINANCIAL REGULATIONS

INTRODUCTION

1.1 What This Section Covers

1.1.1 These Regulations form part of the Council's Constitution, which makes up the Council's regulatory framework alongside Standing Orders. They are mandatory and as such must be followed by all officers of the Council whether directly employed, contracted or employed through an agency in their conduct of financial and related matters. They cover the following areas of financial management and control:

- revenue budgets
- the capital programme
- financial systems and accounting
- procurement, contracts & leasing
- orders & payments
- expenditure items
- income and debt
- external arrangements
- risk management and control of resources
- retention of documents

1.2 To Whom the Regulations Apply

1.2.1 For the purposes of this document, the Chief Finance Officer is the Officer appointed by the Council in accordance with Section 151 of the Local Government Act 1972. (Further details of roles and responsibilities are set out in Part 4 of the Constitution).

1.2.2 These Regulations apply to all officers across the council responsible for or engaged in undertaking financial activity. Failure to comply may constitute misconduct and lead to formal disciplinary action.

1.2.3 The following describes the overall framework and the main roles and responsibilities in respect of these Regulations. This is not exhaustive and there will be overlaps. The Chief Finance Officer is responsible for reviewing these Regulations and the reporting of any significant breaches to the Cabinet or Full Council:

- The Chief Finance Officer (CFO) puts in place financial standards and practices across the Council to deliver a framework for financial control, provide accurate, timely and consistent monitoring information, and sound advice on financial decisions to be made by officers and members.
- Service Area Directors and officers are fully accountable for budgets under their control. They must ensure that the service promotes, enacts and monitors adherence to the financial control framework, that effective budgetary control systems are in place and that spending is within their aggregate cash limit, indicating where necessary, conflicts between current service policy and plans and resource allocation. Each Service Area Director must maintain a record of officers authorised to act upon their behalf in respect of managing budgets, income collection, requisitioning, placing and approving orders, approving variations and write offs. Where appropriate the record should show limits of their authority.
- Finance and Corporate Services maintains the council's financial and procurement system, collates and reports financial information, monitors the implementation of the financial control framework, advises & supports service area officers in fulfilling their financial responsibilities, and gives assurance to management and members that adequate controls exist to produce sound financial administration.

- Audit and Investigations provide the Council's internal audit function and anti-fraud services. They are authorised representatives of the Chief Finance Officer to assist him to discharge his statutory duties and provide Managers with advice and guidance on the system of internal control. They are responsible for investigations into financial irregularities across all Council services.

1.2.4 These Regulations are supplemented by, and should be read in conjunction with:

- Scheme of Transfers & Virements. This must be complied with as part of the Council's Constitution. Any variation from this scheme requires the approval of Full Council
- Required Financial Practice Notes. This represents mandatory financial practice within the Council and must be followed by all officers. They set out in detail the key financial controls and supporting processes.
- Specific guidance, procedure and process notes on good financial practice that are issued periodically by the CFO

2. REVENUE BUDGETS

2.1 General Provisions

2.1.1 The Budget is proposed by the Cabinet and agreed by Full Council. The Budget and Policy procedure rules are set out in Standing Orders. It is the Council's financial representation of its policies.

2.1.2 The Chief Finance Officer is responsible for:

- Developing and maintaining a resource allocation process that ensures due consideration of the Full Council's policy framework.
- Preparing a consolidated budget for all Revenue Account activities and for reporting on the robustness of budget estimates and the adequacy of financial reserves.
- Preparing a budget monitoring statement to the Cabinet on a quarterly basis. Budgetary control action should be specified and where the action is endorsed by the Cabinet which would make changes to the Policy Framework and the Budget then it will require agreement by Full Council (Part 5 of the constitution). Officers cannot implement these changes until such endorsement is obtained.
- Preparing and maintaining a Scheme of Transfers and Virements to be approved by Full Council and approving Transfers and Virements where required under the Scheme.
- Prepare and maintain the Required Financial Practice Notes.
- Ensuring that systems are in place to measure activity and collect accurate information for use in performance indicators and performance plans.
- Determining what constitutes revenue expenditure and income and which relevant account in which a transaction should be properly recorded.

2.2 Setting the Revenue Budget

2.2.1 The Chief Finance officer is responsible for preparing annual budget preparation guidelines and publishing a detailed budget book covering council spending.

2.2.2 Service Area Directors are responsible for preparing and submitting draft budget estimates and accompanying schedules as required. Service plans must be supported by adequate budgets.

2.2.3 The inclusion of an item within the Revenue Budget as approved by the Full Council provides the necessary authorisation to responsible officers to spend up to that sum for the specified purposes for that budget.

2.2.4 Finance & Corporate Services will ensure the robustness of service area budgets by working with Service Area Directors and budget holders to prepare budgets and to report any weakness or concern covering budget construction or its adequacy to cover service provision

2.3 Revenue Budget Monitoring, Forecasting and Overspends

- 2.3.1 Service Area Directors and their officers are not authorised to exceed the cash limited budget under their control and must identify and set performance measures linked to service plans. They must make suitable arrangements to ensure that identified overspends are controlled and implement corrective action within the overall constitution.
- 2.3.2 Service Area Directors are responsible for preparing accurate financial forecasts and must report forecast overspends or forecast reductions in income to the CFO along with a detailed plan of action aimed at controlling the situation.
- 2.3.3 Service Area Directors shall identify budget holders who will prepare budgets, keep spending within cash limits, maintain forecasts, monitor and report performance data.
- 2.3.4 Finance & Corporate Services will identify Finance Business Partners to work with and support service departments in ensuring the robustness of the monitoring and forecasting arrangements. They must report any failures to adhere to those arrangements or any overspends identified and will ensure the completeness and accuracy of the budget data input and held in the general ledger.
- 2.3.5 The Strategic Finance Group will review the monitoring information and provide summary information and exception reports to the Corporate Management Team (CMT). CMT will examine proposed recovery plans and take any other necessary action to deliver spending within those overall resources.

3. THE CAPITAL PROGRAMME

3.1 Authorisation and Financing

- 3.1.1 The Full Council will approve the Capital Programme and make budget allocations to Service Areas as part of the Policy Framework and the Budget.
- 3.1.2 The Chief Finance Officer will prepare for approval by Full Council a capital programme report and will ensure that all reporting requirements under the Prudential Code are met and that prudential indicators are maintained. The CFO will also determine the method of financing of capital schemes.
- 3.1.3 Service Area Directors will prepare capital programmes and seek appropriate approval for programmes and schemes within.
- 3.1.4 The Chief Financial Officer must set aside an amount of minimum revenue provision (MRP) which is prudent and also prepare an annual statement of their policy on making MRP to Full Council

3.2 Capital Programme Monitoring

- 3.2.1 Service Area Directors will make adequate arrangements for the management and monitoring of their capital programme. They must report scheme progress, slippage and forecast overspends, detailing the action they propose to control the overspend and to set out the arrangement by which it will be funded from within the service area's programme. In cases where this proposed action will stop or significantly change any previously agreed projects or programmes then this may require the approval of the Cabinet and Full Council.
- 3.2.2 Service Area Directors shall identify Budget Holders responsible for ensuring expenditure is contained within the capital resources allocated in each financial year and that the overall cost of the scheme does not exceed the budget allocated. They must ensure that all external funding streams are validated and collected.
- 3.2.3 The Service Area Director must identify those officers responsible for issuing and approving variations to orders for works and building contracts. This process must adhere to best practice and guidance.

- 3.2.4 Finance & Corporate Services through the Finance Business Partner will ensure the robustness of the monitoring and forecasting arrangements. They must report any failures to adhere to those arrangements or any overspends identified. They must ensure the completeness and accuracy of the budget data input and held in the general ledger.

3.3 Capital Expenditure

- 3.3.1 Finance & Corporate Services will ensure all capital expenditure meets the required definition for charging.
- 3.3.2 Budget holders are responsible for ensuring that payments made are in accordance with the terms and conditions of the contract provisions in relation to stage, interim and retention payments. They must keep a contract payment register to provide a record of all interim payments and any outstanding retention amounts and also make proper arrangements for the identification of expenditure liable for construction industry tax.

4. FINANCIAL SYSTEMS AND ACCOUNTING

4.1 Accounting Systems and Procedures

- 4.1.1 The Chief Finance Officer will determine the accounting system that shall be used by the Council and the financial processes that shall be operated. The CFO will ensure adequate controls and segregation of duties exist within the system, that adequate security arrangements have been made and that adequate procedures are in place to enable financial records to be reconstructed in the event of system and procedure failures.
- 4.1.2 Finance & Corporate Services will determine and maintain the allocation of user responsibilities within the system.

4.2 Accounts and Accounting Policies

- 4.2.1 The Chief Finance Officer will determine the:
- Council's accounting policies and ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the UK and for ensuring proper arrangements are made for the audit of the accounts in accordance with the Accounts and Audit Regulations.
 - Treatment of balances where a provision and/or liability recorded in the balance sheet is deemed no longer appropriate.
 - Arrangements and procedures for preparing the annual accounts

5. PROCUREMENT, CONTRACTS & LEASING

- 5.1 The Chief Finance Officer will determine and maintain the councils procurement system and the processes therein.
- 5.2 The Chief Finance Officer will put in place arrangements which ensure the requirements of the Prudential Framework and that relevant Accounting Standards are complied with and make arrangements for a register to be maintained of all contracts awarded or entered into.
- 5.3 All Officers are required to procure using the procurement system and the contracts, arrangements and processes set up therein.
- 5.4 All Officers must comply with:
- the Council's Standing Orders on Contracts (Part 3 of the Constitution) for entering into contracts Contracts of £150,000 in value or more must be executed in accordance with the Council's Standing Orders.
 - the requirement that contracts or procurement of less than £150,000 in value shall be signed only by officers authorised to do so,

- Required Financial Practice Notes
- Contract Procurement and Management Guidelines (the “Blue Book”)
- the requirement to maintain the Contracts Register held by the Procurement team ,
- the requirement to ensure variations and amendments are properly authorised

5.5 Service Area Directors must ensure that adequate monitoring and review arrangements are in place to cover contracts for externally provided services and sign off any variations or amendments to contracts.

6. ORDERS AND PAYMENTS

6.1 Service Area Directors must ensure that all officers procure using the procurement system. They must allocate and then maintain a record of officers roles and approval levels within the procurement system. This record is called the system scheme of delegation and covers officers authorised to make requisitions and approve requisitions

6.2 Budget Holders must ensure that value for money has been obtained in the purchasing of all goods and services, the requisition is lawful expenditure, and the correct code has been used to charge that expenditure.

7. EXPENDITURE ITEMS

7.1 GPC / Business credit cards/Pre pay cards

7.1.1 The Chief Finance Officer is responsible for putting in place arrangements for the use of these cards

7.1.2 Service Area Directors must ensure that only authorised officers have access and use of these cards.

7.2 Payroll

7.2.1 The Chief Finance Officer shall approve arrangements for the payment of all salaries, wages, pensions, compensation, other emoluments and the deductions from salaries for tax, superannuation and other deductions to and/or from all employees and former employees of the Council. All redundancy and early retirements have to be approved by the CFO.

7.2.2 Service Area Directors must authorise the recruitment of permanent or temporary staff and the undertaking of overtime or additional payments. They must ensure that and that adequate budget provision is available. Within service areas the budget holders must ensure that all appointments, resignations, absences, overtime or other circumstances affecting the salary, wage or emoluments of an employee included in their budget is acted upon immediately and notified to Finance & Corporate Services.

7.3 Officer Expenses Claims

7.3.1 Budget holders are responsible for authorising officer expenses and for ensuring the correct method of reimbursement is used.

7.4 Petty Cash

7.4.1 Petty cash is not allowable unless approved by the Chief Finance Officer.

7.5 Internal Trading & Recharges

7.5.1 The Chief Finance Officer is responsible for approving all internal trading and recharging initiatives. Where necessary approval of the Cabinet or Full Council will be obtained

7.5.2 Budget holders must ensure that the agreed budgeting, accounting and charging procedures are adhered to.

7.6 Income and Expenditure Taxation Returns

- 7.6.1 The Chief Finance Officer will make arrangements and issue guidance for the completion of all returns to the HM Revenue and Customs.
- 7.6.2 Budget holders, must provide information on employee benefits in the format and timetable required by central finance.
- 7.6.3 Budget holders must ensure that the required employment status and CIS checks are undertaken prior to approving new suppliers or requisitions
- 7.6.4 Finance & Corporate Services are responsible for ensuring all input and output invoices are VAT compliant in every respect.

8. INCOME AND DEBT**8.1 Income – General**

- 8.1.1 The Chief Finance Officer is responsible for approving all debt recovery arrangements including performance monitoring and any on-line income collection or payment facilities.
- 8.1.2 Service Area Directors shall review all charges within their area at least annually. Such reviews shall take account of any criteria agreed by Full Council except where such charges are fixed by statutory provision.
- 8.1.3 Budget holders are responsible for the raising of invoices for any income due and the subsequent safe custody and banking of any income received to their service
- 8.1.4 Financial and Corporate Services is responsible for the collection of all debt over 31 days old and maintaining records relating to income collection and debt write-offs.

8.2 Income – Grants

- 8.2.1 The Chief Finance Officer is responsible for signing grant claims unless otherwise required by the grant giving body. The CFO will maintain a grants register.
- 8.2.2 Service Area Directors are responsible for signing off grant applications and ensuring that where the grant application requires matching resources to be input, that the matching amount is available from within existing budgets or verified other sources
- 8.2.3 Budget Holders are responsible for claiming and recovering grant due. Copies of grant claims must be sent to the CFO
- 8.2.4 Finance & Corporate services will scrutinise claims and review working papers.

8.3 Income – Bad Debts and Write Offs

- 8.3.1 The Chief Finance Officer will put in place arrangements for the collection and write off of bad debts
- 8.3.2 Service Area Directors must ensure adequate bad debt provision exists to cover debt within their service. They have delegated powers to authorise the write-off of debts only in relation to their own operational budgets up to the value of £1,000 a schedule of which must be submitted to the CFO in an approved format. Any debt above £1,000 is to be agreed individually in advance by the CFO. Those debts over £3,000 will be reported to the Cabinet bi-annually.
- 8.3.4 Finance & Corporate Services will ensure that following approval to write-off debt the appropriate accounting and budgeting adjustments are made and the debt recovery team are informed.

9. EXTERNAL ARRANGEMENTS

9.1 Accountable Body and Partnership Arrangements

- 9.1.1 The Chief Finance Officer must be informed and written approval obtained before entering into any proposed accountable body or partnership arrangements
- 9.1.2 Service Area Directors must ensure that the objectives of the arrangement are consistent with the Council objectives and priorities. Within Service Areas the budget holders are responsible for managing & controlling such arrangements and the expenditure incurred and income received
- 9.1.3 Finance & Corporate Services are responsible for monitoring and validating such arrangements

9.2 Provisions of Goods, Services and works to Other Bodies

- 9.2.1 Service Area Directors can enter into such arrangements providing they have written legal advice that the Council has power to make such arrangements. Specific Cabinet approval (or if appropriate the General Purposes Committee) will be required if:
- the contract value would exceed £150,000 per annum;
 - the gross cost to the Council of providing the relevant goods or services under the contract is estimated to exceed £150,000 per annum having consideration to the full costs over the term of the contract. It is not acceptable to split contracts into smaller parcels to avoid exceeding the £150,000 per annum threshold above;
 - a company is to be set up for the purposes of the arrangements; or
 - if the contract exceeds £500,000 per annum in value it shall be in a formal document under the seal of the Council.
- 9.2.2 Budget holders are responsible for the maintenance and control of such contracts.

9.3 Grants to Outside Bodies

- 9.3.1 Service Area Directors are responsible for ensuring that grants to outside bodies are only given where the Council has the statutory powers to do so. Legal opinion must be given before grant is awarded.
- 9.3.2 The Budget Holder is responsible for administering, monitoring and enforcing the terms and conditions of that grant.

10. RISK MANAGEMENT AND CONTROL OF RESOURCES

10.1 Risk Management and Insurance

- 10.1.1 The Chief Finance Officer shall be responsible for the preparation and promotion of the Council's risk management policy statement. Subject to any liability imposed on the Council by statute or other legal obligation, all insurance shall be effected by the Chief Finance Officer or under arrangements approved by him/her.
- 10.1.2 Service Area Directors must:
- ensure that adequate risk management controls are implemented, monitored and reviewed and that assets under their control have appropriate insurance cover within the overall guidance issued.
 - notify the Chief Finance Officer immediately of any loss, liability or damage that may lead to a claim against the Council and of all new risks, properties or vehicles that require insurance and of any alternations affecting existing insurances;

- consult with the Chief Finance Officer and the Solicitor to the Council on any terms or any indemnity that the Council is requested to enter into.

10.2 Internal Controls

10.2.1 The Chief Finance Officer shall make arrangements for the production and publications of an annual independent statement on internal control and risk management.

10.2.2 Service Area Directors must ensure that adequate systems of internal control are established, adhered to, tested and reviewed in order to be confident in the areas set out in the annual assurance matrix and that all staff have a clear understanding of the consequences of lack of control and knowledge of Financial Regulations.

10.3 Audit Requirements

10.3.1 The Chief Finance Officer, or authorised representative, shall have authority to:

- Enter any building, land or area where records relating to any activity of the Council, its partners, contractors or any body partly or wholly funded by the Council, are, or may be, held. This includes all schools who receive funding from the Council. If necessary, to conduct searches of those areas, including cabinets, workspaces, desks for the purposes of locating documents or other material relevant to any matter under investigation. Where necessary to remove and examine IT equipment.
- Have access to all records, data, computer systems, correspondence and any other source of information relating to any matter under examination and remove any documents and records as deemed necessary. This will include documentation held by Council Officers in respect of organisations who are partners of the Council receiving funding from the Council or are providing services on behalf of the Council.
- Require and receive such explanations as are considered necessary concerning any matter under examination.
- Require any person holding or controlling cash, stores or any other Council property to produce such items for examination. These may be removed as deemed necessary.

10.3.2 The Chief Finance Officer will ensure that a strategic and annual audit plan is prepared by the Head of Audit and Investigations which takes account of the characteristic and relative risks of the activities involved. The Chief Finance Officer is responsible to the audit committee for ensuring that adequate arrangements are made for the effective delivery of this plan.

10.3.3 The Chief Finance Officer will ensure that members, and in particular the audit committee, and chief officers receive suitable reports setting out the findings of internal and external audit reports.

10.3.4 Service Area Directors must:

- consider and ensure Managers respond promptly to recommendations in both internal and external audit reports;
- ensure that agreed actions arising from the audit recommendations are carried out in a timely and efficient fashion;
- report to members the reasons for any failure by Managers to implement those audit recommendations.

10.4 Financial Irregularities

10.4.1 All officers have a responsibility to report any irregularities concerning cash, stores or other property of the Council or any suspected financial irregularity in the exercise of the functions of the Council

10.4.2 Service Area Directors must keep and review a service based register of gifts and gratuities received by officers.

10.5. Money and Banking

- 10.5.1 Service Area Directors must ensure the adequacy of security arrangements for the holding of cash including controlling access to safes and other receptacles. They must also approving the authorised signatories to all bank accounts within their control
- 10.5.2 The Chief Finance Officer is responsible for opening and amending details of any bank account.

10.6. Money Laundering

- 10.6.1 It is the responsibility of the Chief Finance Officer to put in place anti-money laundering policies.
- 10.6.2 All officers have a responsibility to identify possible money laundering activities, and report possible money laundering in line with the council's anti-money laundering policies.

10.7. Property, Stock and Equipment

- 10.7.1 Officers responsible for property, stock and equipment must ensure adequate security arrangements are made. They must maintain an inventory of, and ensure the care and custody of valuable goods and equipment.
- 10.7.2 The Chief Finance Officer shall maintain an appropriately valued asset register of all the Council's land and buildings.
- 10.7.3 The Director of Regeneration & Major Projects shall ensure records are maintained of all properties owned or managed by the Council and that where commercial rents are payable to the Council a regular review of such rents is carried out to ensure they are set at an appropriate level. The terms of any leases should generally reflect market rents. An annual review of property should be undertaken for the purpose of identifying surplus or inefficient properties

10.8. Sale of Council Assets – General Requirements

- 10.8.1 Officers disposing of assets must at all times have regard to the Required Financial Practices and must obtain the required consent before any disposal takes place
- 10.8.2 The treatment for amounts received in excess of the costs of disposal shall be determined by the Chief Finance Officer.

10.9 Disposal of Equipment and Stock

- 10.9.1 Service Area Directors can authorise disposals up to the value of £1000. The CFO must be consulted on any disposals expected to exceed this sum.
- 10.9.2 Disposal of IT hardware and software must be approved by the Head of ITU.

10.10. Disposal of Land and Buildings

- 10.10.1 All disposals must be agreed by the Council's Cabinet except in circumstances specified in the Council's Constitution
- 10.10.2 The Director of Regeneration & Major Projects shall make arrangements for the disposal of all land and property.

10.11. Treasury Management

- 10.11.1 The Chief Finance Officer is responsible for the execution and administration of treasury management decisions. The CFO will act in accordance with the Treasury Policy Statement, Treasury Management Practices and CIPFA's Standard of Professional Practice on Treasury Management.

10.11.2 The Chief Financial Officer shall effect all borrowings and investments (or make arrangements to do so), report periodically to the Council, be responsible for the safe custody of securities held by or on behalf of the Council, and approve all Trust Funds.

10.11.3 The Chief Finance Officer shall be responsible for maintaining adequate cashflow forecast and for ensuring that the Council has adequate liquidity at all times.

10.12 Financial Implications within Reports

10.12.1 All officers involved in the origination of reports must consult with the CFO before preparing reports to committee. They must ensure that reports they present to Full Council, the Cabinet , Highway Committee or any other committee of the council should contain a section covering the Financial Implications prepared in accordance with the Required Financial Practice requirements.

10.12.2 The Chief Finance Officer may, where considered necessary, issue a concurrent report on matters requiring the Members' attention or where the financial implications of a report are considered invalid he/she may:

- require the report to be withdrawn;
- supply alternative financial implications under his own name to be circulated to Members; or
- indicate to Members the reasons why he believes the financial implications are incomplete and/or incorrect and the consequences of proceeding on that basis (i.e. that the expenditure would be unauthorised).

11. RETENTION OF DOCUMENTS

11.1 All officers are responsible for ensuring compliance with Required Financial Practice and the requirements of the Freedom of Information Act 2000 in determining their local retention policies. They should consult the Brent Retention and Disposals Policy and the council's Information Asset Register to determine retention records. If any records are missing they must notify the Information and Strategy Team.

Scheme of Transfers and Virements under Standing Order 17(a)

Definitions

Unless specified to the contrary within the specific paragraphs, each of the following words within this Scheme of Transfers and Virements has the precise meaning assigned to it in this scheme.

Accounts – For the purposes of this scheme, the Council shall be considered to be operating three “accounts” – the General Fund, the Housing Revenue Account, and the Capital Programme.

Budget – The Council’s budget agreed by Full Council for a financial year is set at a Council meeting at the same time as the Council Tax levels are set for the financial year and is amended from time to time in accordance with this scheme or other relevant powers.

The budget includes planned expenditure and income for the Accounts, as well as transfers into and out of Reserves and Provisions.

The General Fund budget for each financial year contains the policy proposals included in the Service Development Plans, as amended by the Service Area Budget – Savings Appendix of the Report and summarised in the General Fund Budget Summary Appendix of the Report. The matrices in the Service Area Budget Summary Appendix of the Report show budget heads within each service area.

The Housing Revenue Account budget for each financial year is set out in the Housing Revenue Account Appendix of the Report.

The Capital Programme is set out in Capital Programme Forecast Appendix of the Report. This is set in the context of the Prudential limits set out in of the Report.

Full Council may amend the Budget at any time during the financial year, and the amended budget will replace the budget set at the budget setting Council meeting held before the start of the financial year.

Reserves and Provisions – The Council sets aside amounts from its Accounts from time to time to meet potential future specific or general liabilities or risks. Collectively the cumulative values of these amounts are called the Council’s Reserves and Provisions.

The values of Reserves and Provisions which are subject to the Transfer provisions of this scheme are those that appeared in the Council’s accounts as at 31st March of the previous financial year in respect of that year (for example, the values for 2004/5 were the values for 2003/4 as they appeared in the accounts as at 31st March 2004) as amended by appropriations contained in the other elements of the budget.

Reserves and Provisions Established by the Chief Finance Officer - The Chief Finance Officer may agree that reserves be established by a Service Area at the end of the Financial Year for a specified purpose, where the Service Area has sought permission from the Chief Finance Officer to apply some of all of that reserve to expenditure for that specified purpose in the next Financial Year and the Chief Finance Officer is of the opinion that this is a reasonable and prudent use of the resources.

The Report - References to the “Report” are references to the “Budget and Council Tax” report as agreed by Full Council at the budget setting meeting held to set the budget before the start of the current financial year.

Virements – A virement is an increase in any budget or budgets or part of a budget or budgets that is matched by an equal and opposite decrease in any other budget or budgets or part of budgets within the same Account, such that when the total changes are aggregated the net change across all budgets within that Account is zero.

Schedule of Earmarked Reserves and Provisions - the Schedule of Earmarked Reserves and Provisions approved by Full Council at the budget setting meeting held before the start of the financial year.

Transfers – For the purposes of this scheme, a Transfer is a movement of funds from any reserve, provision or Account to any other reserve, provision or Account.

New Spending – Any increase in gross expenditure or reduction in gross income above the aggregates included in each Account is considered to be “*new spending*” for the purposes of this scheme.

Earmarked Supported Borrowing – A permission to borrow issued by a Department of State limited to a specific purpose and coming with a commitment to include the financing charges within the calculation of Revenue Support Grant or Housing Subsidy.

GENERAL PROVISION

1. Except where explicitly stated to the contrary, no virement, transfer, or new spending is authorised by this scheme if it is in conflict with the Policy Framework or if it conflicts with anything specifically agreed by Full Council as part of the budget setting process other than by a decision of Full Council.

TRANSFERS

General

2. Spending on any Account above that allowed for in the Budget, or a shortfall in income below that estimated in the Budget will result in a charge to Reserves unless compensating changes are made. This follows from the Accounting Code of Practice, which has Statutory force. It is acknowledged that such transfers may result in a conflict with the Policy Framework. Statute provides procedures for dealing with such transfers, especially where the resultant transfers exhaust Reserves and Provisions. This scheme does not deal with these transfers, although limits are placed on the Cabinet’s action to minimise the chance that such circumstances arise.
3. In certain circumstances where such overspends on Accounts arise, there is a choice as to which Reserve the charge should be made. There may also be circumstances in which Provisions can be used to prevent Reserves being exhausted. These are matters that are reserved to Full Council.

Earmarked Reserves and Provisions for Specified Purposes

4. Certain reserves and provisions have been established to aid the smooth running of the Council’s finances, and it will be normal to charge costs to those reserves and provisions subject to financial regulations and local procedures and policies. These are listed in Part A of the Schedule of Earmarked Reserves and Provisions, and officers may make transfers from these reserves and provisions up to the amounts in them for the specified purposes.

5. Part B of the Schedule of Earmarked Reserves and Provisions lists those other reserves and provisions from which transfers may only be made on the authority of the Cabinet, up to the limits of the amounts in them and for the purposes for which they were established.
6. Transfers from Reserves and Provisions Established by the Chief Finance Officer may be made by the Chief Finance Officer up to the amount of £250k. Transfers of any greater amount may only be made on the authority of the Cabinet.
7. Transfers from Reserves and Provisions not included in the Schedule of Earmarked Reserves and Provisions or transfers from Reserves and Provisions for purposes other than those for which they were established require the approval of Full Council, unless otherwise allowed by this scheme.

Cabinet Powers

8. The Cabinet shall have the power to approve any Transfer that does not result in New Spending across Accounts, on the recommendation of the Chief Finance Officer, for the purposes of the efficient management of the Council's affairs.
9. For the purposes of maintaining Reserves at a prudent level (as determined by the Cabinet on advice from the Chief Finance Officer), the Cabinet may make any Transfer from any Account to the appropriate Reserve if there is a reported saving in that Account.
10. The Cabinet may make one or more Transfers up to a total of £500,000 in the financial year from any Reserve to any appropriate Account for the purposes of New Spending provided that:
 - (a) Reserves are maintained at a prudent level after considering the effect of the Transfer and any risks that fall upon Reserves;
 - (b) The Account to which the Transfer is to be made is not immediately prior to making the transfer forecast to overspend; and
 - (c) The New Spending is for an objective contained within the Policy Framework, the Corporate Strategy, a legislative requirement or a contractual obligation.

VIREMENTS – GENERAL FUND

Officers

11. Officers may make any virement within a budget line in a service area (i.e. within any one line in the Service Area Budget Summary Appendix of the Report).
12. Subject to paragraph 13, officers may agree any virement within their area of responsibility which:
 - (a) Is designed to keep function and finance together (as determined by the Chief Finance Officer); or
 - (b) Increases the budget of a unit that is overspending by reducing that of a unit that is underspending.

13. Virements in paragraph 12 may only be agreed by officers provided that:
- (a) They do not result in a commitment which would itself lead to an increased overspend in the current financial year or give rise to unfunded expenditure in future years;
 - (b) They are consistent with the Service Development Plan;
 - (c) They do not conflict with any prior decision made or policy or plan or strategy adopted by the Cabinet ; and
 - (d) They are reported to the Chief Finance Officer.
14. The Chief Finance Officer may agree any virement between areas of responsibility of different Officers whose effect falls within the criteria set out in paragraph 12 subject to the constraints in paragraph 13(a) to 13(c).

Cabinet

15. Subject to paragraph 16, the Cabinet may agree any virement either within or between any Service Area which:
- (a) Falls within the purposes of paragraph 12;
 - (b) Helps to maintain prudent levels of Reserves; or
 - (c) Helps to keep expenditure within the overall budget totals; or
 - (d) Finances new initiatives supporting the Policy Framework or the Corporate Strategy but not explicitly included in the Service Development Plan and Budget.
16. The Cabinet may only agree virements under paragraph 15 if it has received advice from the Chief Finance Officer that after the virement:
- (a) Reserves remain at prudent levels; and
 - (b) No unfunded expenditure commitments arise in future years.

New Spending

17. Where additional resources arise during the year and these are limited for a specific use (e.g. because of grant conditions), then officers may commit the New Spending provided that:
- (a) There is no unfunded spending commitment for future years;
 - (b) Any match funding for the current year is met from identified underspends; and
 - (c) The Chief Finance Officer certifies that the criteria in paragraph 16 apply.
18. Where additional resources arising from additional income, grant not limited for a specific use, or underspends of budgets are identified, then the Cabinet may agree New Spending, subject to the criteria in paragraphs 15 and 16.

VIREMENTS - CAPITAL PROGRAMME**General**

19. The Capital Programme consists of individual projects and sums allocated for work of a particular type. Financial Regulations dictate that the latter type of expenditure can generally only be spent after approval by Cabinet of project schemes within that type.
20. Capital projects often span more than one year, and include provisions for contingencies, provisional sums and the like. This generates a degree of flexibility available for managing the overall programme and this scheme takes advantage of that flexibility.
21. Many funding streams for Capital projects are limited to particular types of projects. Nothing in this scheme allows virement between projects if the funding stream cannot be vired because of some other condition or limitation restricting or precluding a virement.
22. The Capital Programme is funded by a combination of capital receipts, grants and other direct external contributions and borrowing. The total amount of permitted borrowing can be varied during the financial year under the terms of Local Government Act 2003 and relevant regulations. Apart from any contingencies agreed in the Budget, this scheme does not permit any increase in the level of borrowing beyond that agreed in the Budget. Such increases require approval by Full Council in the context of advice from the Chief Finance Officer and subject to CIPFA's "*The Prudential Code for Capital Finance in Local Authorities.*"

Officers

23. Officers should make such virements as are necessary to ensure that the overall capital spend is kept within the sums allocated for that purpose within their area of responsibility provided that:
 - (a) They do not stop or significantly change projects approved by Full Council or the Cabinet except where as part of project approval the Full Council or Cabinet has delegated authority to officers to revise or reschedule such projects;
 - (b) They do not commit expenditure beyond resources available in future years; and
 - (c) They report changes to the Chief Finance Officer.

Cabinet

24. The Cabinet may make such virements within the Capital Programme as are necessary to ensure that overall spending is within the resources available, and it can bring forward, delay or stop projects as necessary to achieve this.
25. The Cabinet may vire funding from one set of capital projects to another without limit provided that:
 - (a) Reductions are not made to funding of projects below the level that is contractually committed;

- (b) Spending commitments in future years are not made beyond the resources available to fund them.

New Spending

26. Where new Capital resources, not limited to specific purposes, are identified during the year, the Cabinet may commit new expenditure from the reserve list, where such a list exists, in its own priority order providing that:
- (a) The Capital Programme is not projected to overspend its resources;
 - (b) Spending commitments in future years are not made beyond the resources available to fund them.
27. Where new Capital resources, not limited to specific purposes, are identified during the year, and the reserve list has been fully funded, the Cabinet may commit new expenditure on other capital schemes provided that:
- (a) The Capital Programme is not projected to overspend its resources;
 - (b) Spending commitments in future years are not made beyond the resources available to fund them;
 - (c) The new spending meets objectives set out in the Policy Framework or the Corporate Strategy.
28. Where new Capital resources, limited for use for a specific purpose, are identified during the year that do not require matched funding, the Cabinet may commit new expenditure provided that:
- (a) Spending commitments in future years are not made beyond the resources available to fund them;
 - (b) The cost of any new borrowing is affordable;
 - (c) The new spending meets objectives set out in the Policy Framework or the Corporate Strategy.
29. Where new Capital resources, limited for use for a specific purpose, are identified during the year that do require matched funding, the Cabinet may commit new expenditure on that match funding provided that:
- (a) The Reserved List, where such a list exists, has been fully committed and there are sufficient capital resources available to meet the match funding requirements directly or by virement, OR additional revenue resources have been identified to meet the match funding requirements;
 - (b) Spending commitments in future years are not made beyond the resources available to fund them.

VIREMENTS – HOUSING REVENUE ACCOUNT

30. The Strategic Director Regeneration and Growth may make any virements necessary for the efficient running of the Housing Revenue Account within the Account, including the use of revenue resources for capital purposes, provided that:

- (a) Spending commitments in future years are not made beyond the resources available to fund them; and
- (b) The changes are reported to the Chief Finance Officer.

REPORTING ARRANGEMENTS

- 31. Subject to paragraph 32, all Transfers, Virements and New Spending are to be reported to Full Council whether or not they require Full Council's approval. Normally this will be done by means of the regular expenditure monitoring reports made by the Chief Finance Officer. The reports will classify changes by whether Officer, Cabinet or Full Council approval was required.
- 32. Virements within one line of the Service Area Budget Summary Appendix of the Report, Transfers falling within Part A of the Schedule of Earmarked Reserves and Provisions and Virements within the HRA will not normally be reported to Full Council but will be reported if the Chief Finance Officer or the monitoring officers consider that a report should be submitted.
- 33. Any failure to report to or notify the Chief Finance Officer on any matter as required under this scheme will not invalidate the decision by virtue of that failure to report or notify alone.

PART 7

CODES AND PROTOCOLS

Brent Members' Code of Conduct

Planning Code of Practice

Licensing Code of Practice

Code of Practice on Publicity

Local Code of Corporate Governance

Protocol for Member/Officer Relations

Protocol on Members' Rights of Access to Information

Protocol on Call-in

BRENT COUNCIL CODE OF CONDUCT FOR MEMBERS

PART 1

Introduction and interpretation

1. (1) This code applies to **you** as a member of Brent Council.
- (2) It is your responsibility to comply with the provisions of this Code.
- (3) In this Code –

“meeting” means any meeting of –

- (a) Full Council;
- (b) The Cabinet ;
- (c) Any of the council’s or Cabinet’s committees, sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member and an appointed member.

Scope

2. (1) You must comply with this Code whenever you –
 - (a) Conduct the business of the council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) Act, claim to act, or give the impression you are acting as a representative of the council, and references to your official capacity are construed accordingly.
- (2) Where you act as a representative of the council –
 - (a) On another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct, or
 - (b) on any other body, you must, when acting for that other body, comply with Brent Council’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

PART 2

High standards of conduct

3. You must maintain a high standard of conduct, and comply with the following general conduct principles:

The General Principles

Selflessness – you should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity – you should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity – you should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – you should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

Openness – you should be as open as possible about your actions and those of their authority, and should be prepared to give reasons for those actions.

Honesty – you should be truthful in your council work and avoid creating situations where your honesty may be called into question.

Leadership – you should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

General Obligations

4. (1) You must treat others with respect.
- (2) You must not –
- (a) Do anything which may cause the council to breach any of the duties under the Equality Act 2010;
 - (b) Bully any person;
 - (c) Intimidate or attempt to intimidate any person who is or is likely to be –
 - (i) A complainant,
 - (ii) A witness, or
 - (iii) Involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with the council's code of conduct; or
 - (d) Do anything which comprises or is likely to compromise the impartiality of those who work for, or on behalf of, the council.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the council into disrepute.

6. You must not –
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) The disclosure is –
 - (aa) reasonable in all the circumstances; and
 - (bb) in the public interest; and
 - (cc) made in good faith and in compliance with the reasonable requirements of the council; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

7. You –

- (a) Must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, and
- (b) Must, when using or authorising the use by others of the resources of the council –
 - (i) Act in accordance with the council's reasonable requirements;
 - (ii) Ensure that such resources are not used improperly for political purposes (including party political purposes)

8. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
- (a) The council's Chief Finance Officer; or
 - (b) The council's Monitoring Officer-,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the council.

9. You must attend training sessions in accordance with the Planning Code of Practice and Licensing Code of Practice.

10. You must attend Safeguarding training provided by the local authority and receive, attend and consider -updates as appropriate.

PART 3

Interests

Registration of Interests

11. (1) Within 28 days of this Code being adopted by the Council, or of your election, re-election or your appointment as a co-opted member (whichever is the later), you shall notify the Monitoring Officer of any interests which fall within the categories specified in Appendix A (Disclosable Pecuniary Interests) or Appendix B (Personal Interests).
- (2) You shall notify the Monitoring Officer of any change to interests or any new interests in Appendices A and B within 28 days of becoming aware of it.
- (3) The Monitoring Officer will maintain the council's register of interests and enter onto that register all interests notified to him/her.

Sensitive Interests

- 12 (1) A member will have a Sensitive Interest if the nature of the member's interest is such that the member and the Monitoring Officer consider that disclosure of the details of the interest could lead to the member, or a person connected with the member, being subject to violence or intimidation.
- (2) Where the member has a Sensitive Interest then the council's public register of interests will not include details of the interest, but may state that the member has an interest the details of which are withheld under this subsection.

(3) If sections 16 and 17 of this Code apply in relation to the sensitive interest those provisions are to be read as requiring the member to disclose not the nature of the interest but merely the fact that the member has an interest in the matter concerned.

Definition of Interests

Personal Interests -

- 13 (1) For the purposes of this code you have a **personal interest in any** business of the authority where either -
- (a) The business of the authority relates to or is likely to affect an interest that you are required to register under Appendix B₁ or
- (b) where a decision in relation to that business of the authority might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- A**and that interest is not a Disclosable Pecuniary Interest.

- 13 (2) For the purpose of Paragraph 13 (b) a “relevant person” is
- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed persons in 13(2)(a) above, any firm in which persons in (a) above are a partner, or any company of which they are a director; or
- (c) any person or body in whom persons in (a) above have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in Appendix B of which persons in (a) above are a member or in a position of general control or management.

Prejudicial Interests

- 14 (1) For the purposes of this code where you have a personal interest in any matter to be considered or being considered by your authority you also have a **prejudicial interest** in that matter where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest **and** where that matter:
- (a) affects your financial position or the financial position of a person or body described in paragraph 13 above, **or**
- (b) relates to the determining of any approval, consent, licence, permission, or registration in relation to you or any person or body described in paragraph 13 above.
- 14 (2) A personal interest in any matter to be considered or being considered by your Authority is not a prejudicial interest where that matter relates to the functions of your authority in respect of -
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or entitled to the receipt of, such pay;

(iv) an allowance-, payment or indemnity given to members;

(v) any ceremonial honour given to members; **orand**

(vi) setting council tax or a precept under the Local Government Finance Act 1992

Disclosable Pecuniary Interests

15. For the purposes of this code you have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State as set out in Appendix A to this Code.

Disclosure of Interests and Participation in Meetings

Disclosure of personal interests

- 16 (1) Where you have a personal interest in any matter being considered by your authority and you are present at a meeting of the authority at which the matter is considered, you should declare the existence and nature of the interest before the matter is discussed or as soon as it become apparent to you, but this is subject to section 12.
- 16 (2) Paragraph 16(1) only applies where you are aware or ought reasonably to be aware of the existence of the interest.

Disclosure of pecuniary interests and prejudicial interests and effect on participation

17. (1) Subsections (2) (3) (4) and (5) apply to you if you –
- Are present at a meeting of the council or of any committee, sub-committee, joint committee or joint sub-committee, Cabinet or Cabinet subcommittee meeting,
 - Have a disclosable pecuniary interest **or** a prejudicial interest in any matter to be considered, or being considered, at the meeting, and
 - Are aware that the condition in paragraph (b) is met.
- (2) You must disclose the existence and nature of the interest to the meeting, but this is subject to section 12.
- (3) If the interest is a disclosable pecuniary interest not yet entered in the council's register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) If the interest is a **disclosable pecuniary interest or a prejudicial interest** you may not
- participate, or participate further, in any discussion of the matter at the meeting, or
 - participate in any vote, or further vote, taken on the matter at the meeting, (but this is subject to section 18) save that you may remain in the meeting only for the purpose of making representations, answering questions or giving evidence

relating to the matter, and provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. You should withdraw from the room in which the meeting is held for the duration of any discussion or vote on the matter once you have made representations, answered questions or given evidence relating to the matter.

- (5) Sub sections (6) and (7) apply if –
- (a) a function of the Council may be discharged by a member acting alone,
 - (b) you have a disclosable pecuniary interest **or** prejudicial interest in any matter to be dealt with, or being dealt with, by you in the course of discharging that function, and
 - (c) you are aware that the condition in sub section(b) is met.
- (6) If the interest is a disclosable pecuniary interest not yet entered in the Council's register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that the condition in sub section (5) (b) is met in relation to the matter.
- (7) You must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you).
- (8) Where you give a notification for the purposes of sub sections (3) and (6), the Monitoring Officer will enter the interest notified in the Council's register.
- (9) You will be excluded from a meeting while any discussion or vote takes place in which, as a result of the operation of sub section (4), you may not participate.
- (10) For the purpose of this section, an interest is "subject to a pending notification" if –
- (a) under this section or section 11, the interest has been notified to the Monitoring Officer, but
 - (b) that interest has not yet been entered in the council's register in consequence of that notification.

Dispensations

18. On a written request to the Council's Monitoring Officer, the Council may grant you a dispensation to participate on a discussion and or vote on a matter at a meeting where you would otherwise not be allowed to if the council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the ~~the~~ business; or it is in the interests of the inhabitants in the Council's area to allow you to take part or it is otherwise appropriate to grant a dispensation.

Appendix A

Disclosable Pecuniary Interests

Such interests of:

1. the member, or
2. the member's spouse or civil partner, or
3. a person with whom the member is living as husband and wife, or
4. a person with whom the member is living as if they were civil partners and the member is aware that that other person has the interest.

Please note:

Any person mentioned in 2, 3 & 4 above is known as a **“relevant person”**
“Member” includes co-opted member.

Subject	Prescribed description
<i>Employment, office, trade, profession or vocation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<p><i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority -</i></p> <p><i>(a) under which goods or services are to be provided or works are to be executed; and</i></p> <p><i>(b) which has not been fully discharged.</i></p> <p><i>Any beneficial interest in land which is within the area of the relevant authority.</i></p>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<p><i>Any tenancy where (to the member's knowledge) -</i></p> <p><i>(a) the landlord is the relevant authority; and</i></p> <p><i>(b) the tenant is a body in which the relevant person has a beneficial interest.</i></p>

Securities

Any beneficial interest in securities of a body where—
(a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and
(b) either—
(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Appendix B**Personal Interests**

Any interest which relates to or is likely to affect:

- 1) any body of which the member is in a position of general control or management, and to which he / she is appointed or nominated by the Council.
- 2) any body:
 - a) exercising functions of a public nature;
 - b) directed to charitable purposes; or
 - c) whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

_____ of which the member of the Council is a member or in a position of general control or management.

- 3) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his / her office.

PART 4**Miscellaneous****Related documents**

14. The council has adopted other codes and protocols which do not form part of this Code but which deal with specific activities you may be required or wish to carry out in the course of your duties as a councillor. You are required to comply with these and any breach may be regarded as a breach of this Code. The following codes and protocols are currently in effect:
 - (1) Planning Code of Practice
 - (2) Licensing Code of Practice
 - (3) Local Authority Code of Publicity
 - (4) Protocol for Member /Officer relations
 - (5) IT policies and Procedures

PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide **m**Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is, in addition to the Brent Members' Code of Conduct, adopted by the Council under the provisions of the Localism Act 2011. Members should follow the requirements of the Brent Members' Code and apply this Code in light of the Members' Code. The purpose of this Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters.

The Code seeks to ensure that officers and members consider and decide planning matters in a fair impartial and transparent manner. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that **m**Members of the Planning Committee making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist members of the Council in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

If a member does not abide by this Code the member may put the Council at risk of proceedings on the legality or maladministration of the related decision; and the member may be at risk of either being named in a report to the Standards Committee or Council; or if the failure to abide by the Code is also likely to be a breach of the Members' Code of Conduct, of a complaint being made to the Monitoring Officer.

If you have any doubts about the interpretation of this code, you should consult appropriate officers on the point.

General

1. Members of the Planning Committee shall determine applications in accordance with the Unitary Development Plan unless material considerations indicate otherwise. The Brent Members' Code of Conduct and the law relating to Brent Council members' disclosable pecuniary interests, personal interests and prejudicial interests must be complied with throughout the decision making process. Decisions should not be influenced by the interests of Councillors or because of pressure exerted by applicants, agents or third parties. Members of the Planning Committee must take decisions in the public interest and take account only of material planning considerations. They should not allow themselves to be influenced by members of the public and applicants, agents or third parties who might approach them and they should not be influenced by party politics.
2. The council's planning process is a quasi-judicial process and members of the Planning Committee have a duty to follow the rules of natural justice and in accordance with the council's duty to act in a way that is compatible with Convention rights under the Human Rights Act 1998.
3. The rules of natural justice include: the duty to act fairly; the duty to give all those who will be affected by a decision the opportunity of a hearing before a decision is made; and the principle that no person should be a judge in his or her own cause. That principle means that members must be and be seen to be impartial and

without bias, and that members should not take part in any decision that affects their own interests.

- 4 The Human Rights that are particularly relevant to Planning decisions are Article 6, the right to a fair hearing; Article 1 of the First Protocol, the right to peaceful enjoyment of a person's property and possessions; and Article 8, the right to respect for a person's private and family life, home and possessions.

Bias and Predetermination

- 5 Members should not take a decision on a matter when they are actually biased in favour or against the application, or when it might appear to a fair and informed observer that there was real possibility of bias, or where a member has predetermined the matter by closing their mind to the merits of the decision before they come to take it.
6. Section 25 of the Localism Act 2011 provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.
7. Although the Localism Act recognises the reality of the role of members in matters of local interest and debate, it does not amount to the abolition of the concept of pre-determination. A member taking part in a decision on a planning matter must be open to any new arguments about the matter up until the moment of a decision. A member should not comment or make any commitment in advance as to how they intend to vote which might indicate that they have closed their mind. Any planning decision made by a member who can be shown to have approached the decision with a closed mind will still expose the council to the risk of legal challenge.

Accountability and Interests

8. Members of the Council who have business or other interests which may bring them into contact with the Council's planning system on a regular basis should not be considered for membership of the Planning Committee. Those interests might include acting as an agent or consultant with respect to planning applications in the borough.
9. Members of the Council who are consistently unable to support the Council's planning policies should not be considered by their political group for membership of the Planning Committee.
10. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a member shall disclose the fact that he/she has been in contact with the applicant, agent or interested party if this be the case.

Interests

11. If a member of the Council has a personal interest in any planning application or other matter before the Planning Committee, then the member shall, if present, declare a personal interest at that meeting unless the interest arises because the member is a member of or is in a position of general control or management in a body to which they were appointed or nominated to by the Council or that exercises

functions of a public nature. In which case the member only needs to disclose the personal interest if they address the Planning Committee meeting on that item.

12. If a member has a disclosable pecuniary interest in any planning application or other matter before the Planning Committee, and the interest is not entered in the council's register, the member must disclose the interest to the meeting.
13. If a member has a discosable pecuniary interest or a prejudicial interest in a planning matter the member shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the matter, save that they where a member of the public has the right to attend the meeting, make representations, answer questions, or give evidence, then a member will have the same right. Once the member has exercised that right then the member must withdraw from the room for the rest of that item and play no further part in the discussion or vote.
14. If a member of the Council has a disclosable pecuniary interest or a prejudicial interest in a planning application or other matter before the Committee, he/she shall not exercise his or her discretion to require the application or other matter to be referred from officers to the Planning Committee for consideration and nor shall he/she exercise his/her right to request a site visit.
15. For the avoidance of doubt, where a member of the Council is a Freemason or a member of a similar secret society and is aware that the applicant, agent or other interested party in relation to a particular planning application is also a Freemason or a member of the same secret society, the member shall treat this as a prejudicial interest for the purposes of paragraphs 13 and 14 above.
16. The Monitoring Officer shall maintain a register of contact made by applicants, agents or interested parties with individual members of the Council on each and every planning application, in which members of the Planning Committee must record approaches referred to in paragraph 24 and other members of the Council may record such approaches if they so wish.
17. If any officer of the Council who is involved in making recommendations or decisions on planning applications has had any involvement with an applicant, agent or interested party, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare a prejudicial interest in the public register held by the Strategic Director Regeneration and Growth and take no part in the decision making process. The declaration of such interest shall also be recorded in the minutes of the meeting. This public register to be available for inspection at Planning Committee meetings.
18. No officer of the Council shall engage in any paid work for any town planning matter for which Brent is the Local Planning Authority other than on behalf of the Council.
19. In relation to all matters not addressed above, all such officers shall comply with the Royal Town Planning Institute Practice Advice Note No.5 relating to Consultancy by Current and Former Employees or any guidance replacing this.

Call-in powers

20. Where under the provisions of the Constitution three members of the Council ask for an application or other matter to be decided by Committee rather than by officers, their request shall state:
- (i) the reason(s) which should solely relate to matters of material planning concern why they feel the application or other matter should not be dealt with under delegated powers; and
 - (ii) whether or not they have been approached by any person concerning the application or other matter and if so, by whom.

This information shall then be included in the relevant Planning Committee report.

Unless the request and the necessary supporting information outlined above has been provided by both members at least one week prior to the relevant meeting then the matter shall proceed to be determined by officers in accordance with their delegated powers.

21. A member considering using the “call-in” power should consider whether their objective could be achieved by an alternative means, for example by discussing the matter further with the relevant officer or facilitating a meeting between an objector and an officer, bearing in mind the additional cost to the council when a matter has to be considered by Committee. Where the call-in power is exercised the sponsoring member should attend the associated site visit and committee meeting.

Development proposals submitted by Councillors who sit on the Planning Committee

22. The Council’s Monitoring Officer should be informed of such a planning application and the application should be reported to the Planning Committee and not dealt with by officers under delegated powers.

Development proposals where the Council is the applicant or landowner

23. Where the council itself is the landowner or planning applicant then a Planning member should consider whether he or she has had such a significant personal involvement in advocating for, preparing or submitting the planning proposal that the member would be likely to be perceived as no longer able to act impartially or to determine the proposal purely on its planning merits. A member would not be required to withdraw simply because they were, for example, a member of both the Cabinet, or a proposing committee, as well as the planning committee. However a member with a relevant portfolio or individual responsibility for implementing a particular policy should carefully consider whether that role makes it inappropriate for them to participate in a particular planning decision.

Approaches to members of the Planning Committee

24. If an approach is made to a member of the Planning Committee from an applicant or agent or objector or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the member of the Planning Committee shall:
- (i) inform the person making such an approach that such matters should be addressed to officers or to members who are not members of the Planning Committee.

- (ii) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered; and
- (iii) record the approach in the register maintained by the Monitoring Officer under paragraph 11.

For the avoidance of any doubt, if the applicant, agent or objector or other interested party attend and/or speak at a Council organised briefing for members of the Planning Committee then that briefing does not constitute an approach which has to be registered with the Monitoring Officer or disclosed under (ii).

25. Where a planning application is to be determined under delegated powers Councillors should not put improper pressure on officers for a particular recommendation or do anything which compromises, or is likely to compromise the officer's impartiality.

Site Visits

26. Save as provided by paragraph 14 above, any two members of the Council can request a site visit prior to a meeting of the Planning Committee at which the application in respect of the request is to be considered. The members, shall provide the following details at least two weeks before the date of the meeting at which the application is to be considered and a record shall be kept of those details:

- (i) their name;
- (ii) the reason for the request; and
- (iii) whether or not they have been approached concerning the application or other matter and if so, by whom.

If the details are not provided then the site visit shall not proceed. Alternatively, during any meeting of the Planning Committee, any member of the Planning Committee may request a site visit in respect of any application on the agenda of the meeting. The member must give the reason for the request.

27. The purpose of a site visit is to gain information relating to the land or buildings which are the subject of the planning application or other matter to be considered by the Planning Committee. A site visit may also assist members of the Planning Committee in matters relating to the context of the application or other matter in relation to the characteristics of the surrounding area.

28. Members of Planning Committee shall not enter any premises which are the subject of a planning application or other matter or known by them to be likely to become such in order to meet the agent, applicant or other interested party, save in the course of a formal accompanied site visit. In exceptional circumstances such as where a member of the Planning Committee is unable to attend the official site visit that has been arranged, a site visit by an individual member may be carried out provided that the member is accompanied by a planning officer.

29. On site visits applicants or other interested parties shall only be permitted to point out to those members of the Planning Committee attending the site visit the features to look at either on the site or in the vicinity, which are relevant to the

application or other matter. No discussion will take place on the merits of the application or other matter.

30. Whilst on site visits, members of Planning Committee shall keep together as a group and shall not engage individually in discussion with applicants or objectors. Members should take care not to show any apparent partiality to people they already know when acknowledging members of the public or applicants that are present. Members attending the site visit should avoid expressing opinions about the application either to another Planning member, or to any person present.

Membership and Jurisdiction of the Planning Committee

31. When the membership of the Planning Committee is determined, care shall be taken to ensure that for each Ward there is always at least one Councillor who is not a member of Planning Committee. This is so that there will always be a Councillor who is not a member of the Planning Committee with whom residents will be able to discuss planning matters.
32. Any briefings which may be held prior to the Planning Committee meetings shall be open to all members (and alternates) of the Planning Committee. These briefings can help to speed up decision making by giving officers notice of additional information members of the Planning Committee may require at the meeting.
33. All members of Planning Committee, and in particular the Chair, shall be informed from time to time about the relevant provisions concerning access to information contained in the Local Government Act 1972 and in the event of any dispute between members of the Planning Committee and officers as to the application of the 1985 Act, the advice of the Chief Legal Officer or his or her representative shall be obtained forthwith.

Meetings of the Planning Committee

34. No material revision to any planning application which might lead to a change in the recommendation of officers shall be considered at Planning Committee unless it has been submitted such reasonable period in advance of the relevant Planning Committee meeting as is agreed by the Head of Area Planning and has been the subject of a full appraisal by officers and consultation where necessary and that the minutes shall record the fact that revisions have been made to the application and the reasons for these shall be recorded in the supplementary information.
35. If the Planning Committee wishes to grant planning permission contrary to officers' recommendations the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the minutes of the meeting.
36. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved

shall be entered into the minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the minutes of the meeting.

37. Members of the Planning Committee shall refrain from personal abuse and party political considerations shall play no part in their deliberations. Members of the Planning Committee shall be respectful to the Chair and to each other and to officers and members of the public including applicants, their agents and objectors and shall not bully any person. Members of the Planning Committee should not make up their mind before hearing and considering all relevant information at the meeting and should not declare in advance of the vote, how they intend to vote on a particular application or other matter.
38. Members of the Planning Committee should not speak to members of the public (including applicants, agents and journalists) during a meeting of the Planning Committee or immediately prior to or after the meeting concerned, other than where permitted by this Code or Standing Orders.
39. When questioning members of the public or the applicant who have spoken at a meeting of the Committee, members of the Planning Committee shall ensure that their questions relate only to planning matters relevant to the particular application, and the question should not be party political.
40. The minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.
41. A member of the Planning Committee shall not vote in relation to any planning matter unless he or she has been present in the meeting of the Planning Committee throughout the consideration of that particular matter as required by Standing Orders— Any dispute as to whether the member of the Planning Committee in question should be permitted to vote shall be decided by the Chair having taken appropriate advice from legal or other officers present.
42. Unless all members of the Planning Committee indicate that they intend to vote in accordance with the officers' recommendation on a particular item, the responsible officer shall be allowed time, at the beginning of the consideration of each application, to summarise his or her advice. If after discussion it appears that any member of the Planning Committee is minded to vote contrary to the officers' recommendation, the officer shall be allowed a further opportunity to respond to new points which have been raised, and to address the implications of a contrary decision.

Member and Officer Relations

43. Any criticism by members of Planning Committee of officers in relation to the handling of any planning matter shall be made in writing to the Strategic Director Regeneration and Growth and not to the officer concerned. No such criticism shall be raised in public.
44. If any officer feels or suspects that pressure is being exerted upon him or her by any member of the Council in relation to any particular planning matter, he or she shall forthwith notify the matter in writing to the Strategic Director Regeneration and Growth.
45. Members of Planning Committee shall not attempt in any way to influence the terms of the officers' report or recommendation upon any planning matter.

Training

46. Members of the Planning Committee (and substitute members) must participate in a programme of training on the planning system and related matters agreed by and organised by officers. The programme will consist of compulsory and discretionary elements. If a Member of the Planning committee fails to participate in compulsory elements of the training this may result in that member being asked to stand down as a member of Planning Committee.
47. Members should be aware that training is particularly important for members who are new to the Planning Committee and for members who have not attended training in the recent past.
48. Where a member has a genuine difficulty in attending any particular training session officers will try when practicable to accommodate a request for an individual or repeat session.

Review of Code of Practice

50. The Chief Legal Officer is instructed to commission a report independent of the planning service once every three years on the operation of this Code of Practice. The report should address the extent of compliance with the Code by officers and members, contain an analysis of decisions being made against officers' recommendations and set out any appropriate recommendations for improvement.

LICENSING CODE OF PRACTICE

Purpose of this Code

The Licensing Code of Practice has been adopted by Brent Council to regulate the performance of its licensing function. Its major objectives are to guide members and officers of the Council in dealing with licensing related matters and to inform potential licensees and the public generally of the standards adopted by the Council in the exercise of its licensing functions. The Alcohol and Entertainment Licensing Sub-Committees exercise functions under the Licensing Act 2003 (the sale by retail of alcohol, the supply of alcohol, the provision of regulated entertainment, and the provision of late night refreshment), and the General Purposes Committee exercises the Council's licensing functions under all other legislation. Except where otherwise stated, references in this Code are to both committees and the expression "Licensing Committee" should be interpreted accordingly. The Licensing Code of Practice is in addition to the Brent Members' Code of Conduct adopted under the provisions of the Localism Act 2011. Members should follow the requirements of the Brent Members' Code and apply this Code in light of the Members' Code. The provisions of this code are designed to ensure that licensing decisions are taken on proper licensing grounds, in a fair consistent and open manner and that members making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist members in dealing with and recording approaches from applicants, licensees and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

This Code also draws members' attention to the different status of the Licensing Committees from normal Council committees, by their quasi-judicial nature and the requirement to strictly follow the rules of natural justice.

If a member does not abide by the Code the member may put the Council at risk of proceedings on the legality or maladministration of the related decision and the member may be at risk of either being named in a report to the Standards Committee or Council; or of the failure to abide by the Code is also likely to be a breach of the Members' Code of Conduct, of a complaint being made to the Monitoring Officer.

If you have any doubts about the interpretation of this Code, you should consult appropriate officers on the point.

The Code

- A. On the Licensing Committees, Members are exercising quasi-judicial functions and as a consequence have a duty to follow the rules of natural justice and act in accordance with the Council's duty to act in a way that is compatible with the Convention rights under the Human Rights Act 1998.
- B. The rules of natural justice include: the duty to act fairly; the duty to give all those who will be affected by a decision the opportunity of a hearing before a decision is made; and the principle that no person should be a judge in his or her own cause. That principle means that Members must be and be seen to be impartial and without bias, and that Members should not take part in any decision that affects their own interests.
- C. The Human Rights that are particularly relevant to the Licensing process are Article 6, the right to a fair hearing; Article 1 of the First Protocol, the right to peaceful enjoyment of a person's property and possessions; and Article 8, the

right to respect for a person's private and family life, home and possessions. Further information about these rights is set out in Annexe 1 to this Code.

1. General provisions as to conduct

Bias and predetermination

- 1.1 No one should decide a case where they are not impartial or seen to be impartial. Licensing members should not take a decision on a matter when they are actually biased in favour or against the application, or when it might appear to be fair and informed observer that there was a real possibility of bias, or where a member has predetermined the matter by closing their minds to the merits of the decision before they come to it.
- 1.2 Section 25 of the Localism Act 2011 provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to a particular matter.
- 1.3 Although the Localism Act recognises the reality of the role of the members in matters of local interest and debate, it does not amount to the abolition of the concept of pre-determination. A member of the licensing committee must not make up their mind on how they will vote on any licensing matter prior to formal consideration of the matter at the meeting of the Licensing Committee and the member hearing the evidence and arguments on both sides. A member should not make comments on Licensing policy or procedures, or make any commitment in advance as to how they intend to vote on a matter, which might indicate that they have closed their mind. Any licensing decision made by a member who can be shown to have approached the decision with a closed mind will expose the council to the risk of legal challenge.

Accountability and Interests

- 1.4 If a member of the Council has a personal interest in any licensing application or other matter before the Licensing Committee, then the member shall, if present, declare a personal interest at that meeting unless the interest arises because the member is a member of or is in a position of general control or management in a body to which they were appointed or nominated to by the Council or that exercises functions of a public nature. In which case the member only needs to disclose the personal interest if they address the Licensing Committee meeting on that item.
- 1.5 If a member has a disclosable pecuniary interest in any application or other matter before the Licensing Committee, and the interest is not entered in the council's register, the member must disclose the interest to the meeting.
- 1.6 If a member has a disclosable pecuniary interest or a prejudicial interest in a matter then the member shall withdraw from the room where the meeting is being held and not take part in the discussion or a vote on the matter save that if the member has made representations under the Licensing Act, and is therefore entitled to speak at the meeting, the member may make representations, answer questions or give evidence in respect of the application or matter in question in so far as the public have the right to do so. A member must then withdraw from the room for the rest of that item and play no further part in the discussion.

- 1.7 Members of the Licensing Committees should not determine any application if the member, his/her relative, friend or associate is the applicant or agent for that matter or an objector.
- 1.8 Members who have business or other interests which may bring them into contact with the Council's licensing system on a regular basis should not be considered for membership of the Licensing Committees.

Approaches

- 1.9 If an approach is received by a member of a Licensing Committee from an applicant, objector, their agents or an interested party in relation to a particular licensing application or any matter which may give rise to a licence application, the member shall:
 - (a) inform such applicant or agent or interested party that such approach should only be made to officers or to elected members who are not members of the Licensing Committees;
 - (b) forthwith notify in writing to the Monitoring Officer the fact that such an approach has been made, identifying the application, the nature of the approach, by whom it was made, and the action taken by the Member concerned;
 - (c) keep an adequate written record so as to enable the Member to disclose the fact and nature of such an approach at any relevant meeting of the Licensing Committee.
- 1.10 If an elected member who is not a member of the Licensing Committee is contacted by an applicant objector or interested party then that member should discuss the issues raised by their constituent with the appropriate licensing officer and may forward any representations or evidence to that officer, who will include the relevant information in the report to the Licensing Committee. If an elected member wishes to make their own representations about a matter they should likewise make those representations to the appropriate Licensing officer.
- 1.11 Any elected member who is not a member of the General Purposes Committee but who is a member for the Ward in which the premises are located (or a member of an adjoining Ward which is affected by the application) shall be entitled to address a meeting of the General Purposes Committee on the subject of a particular licence application. However he/she shall disclose whether he/she has been in contact with the applicant, objectors their agents or an interested party and whether they have a personal or disclosable pecuniary interest or prejudicial interest in the license application. If a Ward member has a disclosable pecuniary interest or a prejudicial interest in a matter before the General Purposes Committee, the members shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the matter, save that where a member of the public has the right to make representations, answer questions, or give evidence, then a member will have the same right, after which the member must then withdraw from the room for the rest of that item and

play no further part in the discussion or vote. (This paragraph does not apply to the Alcohol and Entertainment Licensing Sub-Committees)

- 1.12 No amendment to any licence application shall be considered at the Licensing Committees unless it can be taken into account without causing prejudice to objectors or persons who might otherwise have objected.

2. Site visits

- 2.1 If a site visit takes place, its purpose is to gain information relating to the premises which are the subject of the licensing application or revocation to be considered by the Licensing Committees. A site visit may also assist members in matters relating to the context of the application or revocation, the characteristics of the premises and the surrounding area. Members should avoid expressing opinions during site visits to any person present, including other members.

- 2.2 During site visits, members of the Licensing Committees shall not engage individually in discussion with applicants or objectors.

- 2.3 On site visits applicants, agents, objectors or other interested parties shall only be permitted to point out to Members features to look at either on the premises or in the vicinity, which are relevant to the application. No discussion will take place on the merits of the application or revocation.

- 2.4 A Member of a Licensing Committee may request a site visit, prior to the meeting of the Committee, in which case their name shall be recorded. They shall provide and a record be kept of:

- (i) their reason for the request; and
- (ii) whether or not they have been approached concerning the application and if so, by whom

and unless the member provides these at least one week prior to the relevant meeting, the site visit will not proceed.

- 2.5 If any Member of the Licensing Committee wishes to informally view an applications site than that viewing must only take place if it can be done from a public place. Members of Licensing Committee shall not enter any premises which are the subject of a licensing application or known by them to be likely to become such in order to meet the agent, applicant, licensee or other interested party, save in the course of a formal accompanied site visit. In exceptional circumstances such as where a member is unable to attend the official site visit that has been arranged, a site visit by an individual member may be carried out provided that the member is accompanied by a licensing officer.

3. Involvement of officers

- 3.1 Members of the Licensing Committee shall not attempt in any way to influence the terms of the officers' report upon any application.

- 3.2 Any criticism by Members of the Licensing Committees or an officer in relation to the handing of any licence application shall be made in writing to the Strategic Director of Environment and Neighbourhoods and *not to the Officer handling the application*. No such criticism shall be raised in public.

- 3.3 If any officer feels or suspects that pressure is being exerted upon him/her by any member of the Council in relation to any particular application, he or she shall forthwith notify the matter in writing to the Monitoring Officer.
- 3.4 If any officer of the Council who is involved in dealing with any licensing application has had any involvement with an applicant, agent or interested party, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare a prejudicial interest in the public register held by the Monitoring Officer and take no part. This public register to be available for inspection at Licensing Committee meetings.
- 3.5 No officer of the Council shall engage in any paid work for any licensing matter for which Brent is the Licensing Authority other than on behalf of the Council.

4. Conduct of meetings

- 4.1 Members of the Licensing Committees shall refrain from personal abuse and party-political considerations shall play no part in the committee's deliberations. Members shall be respectful to the Chair and to each other and to officers and members of the public including applicants, their agents and objectors and shall not bully any person. Members should not make up their minds before hearing and considering all relevant information at the meeting and should not declare in advance of the vote how they intend to vote on a particular application.
- 4.2 The Monitoring Officer shall maintain a register of contact made by applicants, licensees, objectors, agents or interested parties with individual members of the Council on each and every licence application.
- 4.3 Members of the Licensing Committees should not speak to members of the public (including applicants and agents) during a meeting of the Licensing Committee or immediately prior to or after the meeting concerned other than in accordance with this Code or Standing Orders.
- 4.4 When questioning witnesses at a meeting of a Licensing Committee, members shall ensure that their questions relate only to licensing considerations relevant to the particular application.
- 4.5 The Licensing Committee should hear both sides of the case, in accordance with the rules of natural justice. The Committee must ensure that both the applicant and the objectors receive a fair hearing. Applicants must have the opportunity *in advance of the hearing* to prepare their case in answer to the objectors.
- 4.6 It is permissible for the Chair of the meeting to curtail statements of parties or witnesses, if they are merely repeating matters which have already been given in evidence.
- 4.7 Hearsay evidence, whilst admissible, must be treated with great reservation by members, who must make an assessment of its weight and credibility.
- 4.8 When new matters are raised as objections by any person at a hearing of the General Purposes Committee, the Committee is not obliged to hear them. However, if members feel that the new matter raised by the objector should be considered, but the applicant needs further time to consider his/her response then the applicant should be offered an adjournment of the meeting (either for a short period during the meeting itself or if necessary to a new date). (This paragraph

does not apply to the Alcohol and Entertainment Licensing Sub-Committees, as new objections cannot be raised at the hearing)

5 **Licensing Sub-Committee Procedures**

Alcohol and Licensing Sub-Committee

(A) The following procedure should be followed at meetings of the Alcohol and Entertainment Licensing Sub-Committees.

A.1 The Chair will ask the parties to the hearing to identify themselves and confirm whether they are represented or not.

A.2 The sub-committee will consider any requests that have been made by any party for another person to speak at the hearing.

A.3 The Chair will explain the procedure to be followed at the hearing.

A.4 Where there are a number of parties bringing representations either in support or objection to the granting of the licence application officers will attempt before the hearing to agree a limit in the number of people who will address the sub-committee.

A.5 If any party has indicated that they will not attend or failed to indicate whether or not they will attend and is absent, the Sub-Committee may hold the hearing in that party's absence or decide to adjourn.

A.6 A Licensing Officer will give details of the application and of the number and type of representations received as set out in the papers circulated.

A.7 Persons who have made representations will be allowed to address the sub-committee for up to 5 minutes each (unless the Chair permits a longer period). They should not repeat what is already set out in their representations or notice. In their address they should provide clarification on any points previously requested by the Council. Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.

A.8 The order in which persons making representations shall be called to speak is as follows;

- i. Statutory Parties including the Police, Environmental Health, Fire Authority, Child Protection Unit or other bodies as appropriate
- ii. Interested parties making representations in objection to the licence application
- iii. Interested parties making representations in support of the licence application

A.9 The members of the sub-committee may ask questions of the person making representations after their address.

A.10 Officers may ask questions of such person in order to clarify points for the sub-committee.

A.11 Where a person making relevant representations has requested that another person be permitted to speak and the sub-committee have allowed this under 2 above, they may be entitled to speak for up to 5 minutes (if the chair permits this) after questioning of the objector who made the request and provided that this does not disadvantage another party to the proceedings

A.12 The members of the sub-committee may ask questions of such other person after they have spoken.

A.13 Officers may ask questions of such person in order to clarify points for the sub-committee.

A.14 The same procedure as set out in 2.7 to 2.11 above is followed in respect of the applicant.

A.15 The members of the sub-committee may ask further questions of any party or other person allowed to appear at this stage.

A.16 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.

A.17 The sub-committee will consider its decision in private save that the licensing officer, legal adviser and committee clerk will be entitled to remain.

A.18 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.

A.19 Documentary evidence will only be considered by the Sub-Committee if this has been provided to the Council and the other party (or parties) prior to the hearing, or with the consent of other parties, at the hearing. The Chair does have the discretion to accept the filing of late evidence provided that all relevant parties agree and are not adversely affected by late disclosure. Each case will need to be looked at on its own merits and advice given by officers accordingly.

(B) General Purposes Committee

The following procedure should be followed at meetings of the General Purposes Committee.

B.1 The Chair outlines details of the application

B.2 The Chair invites identification of persons at the meeting:

- the applicant;
- those attending to object or give evidence; and
- those Officers and Members forming the Committee.

B.3 The Chair outlines the procedure of the hearing to those present

B.4 The Objectors state their case:

- The individual objectors (or their representatives) will be invited to state their case;
- The applicant (or their representative) will be invited to question the objectors or their witnesses; and
- Members of the Committee may ask questions of the objectors through the Chair.

B.5 Non-Members of the Committee (if any present) will address the Committee

- Non-members who are entitled to address the Committee (see 1.6 above) and wish to, will be invited to do so.
- The applicant (or their representative) will be invited to question the non-members who have spoken.
- The objectors (or their representative) will be invited to question such non-members.
- Members of the Committee may ask questions of such non-members through the Chair.

B.6 The Technical Officers Report

- Where appropriate, technical officers advising the Committee will make their observations.
- The applicant and objectors will be invited to ask questions of the technical officers.
- Members of the Committee may ask questions of the technical officers through the Chair.

B.7 The Applicants State Their Case

- The applicant is invited to state their case.
- The objectors (or their representative) will be invited to question the applicant.
- Members of the Committee may ask questions of the applicant through the Chair.

B.8 Summing Up

- The objectors will be permitted to “Sum Up”.
- The applicant will be permitted to “Sum Up”.

6. Making the decision

- 6.1 The decision whether or not to grant a licensing application is a decision for the members of the Licensing Committee only. [*The assessment of the weight and credibility of evidence is for Committee members alone to decide.*]
- 6.2 Members shall retire to decide the matter in closed session. The Legal Officer, Licensing Officer and Democratic Services Officer present at the meeting will retire with them. During such closed session, the Legal Officer and Licensing Officer will only provide advice on legal issues relating to the application.
- 6.3 In accordance with regulations, members of the Alcohol and Entertainment Licensing Sub-Committees should disregard any information provided by any party which is not relevant to;
- a) their application, representations or notice (as applicable); and
 - b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the Police
- 6.4 The Licensing Committee will return to open session to announce its decision, and will confirm its decision in writing with reasons usually within 5 working days (in respect of the Alcohol and Licensing Sub-Committee) and 7 days (in respect of the General Purposes Committee). The written notice will set out the rights of appeal against a decision.
- 6.5 Members own knowledge of the circumstances surrounding an application is valid, provided that they are put to the applicant for a response. In reaching their decision members must have regard to the evidence presented at the hearing, both the documents circulated in advance and the oral evidence. The decision must be based on the evidence alone and members have a duty to ensure that they have regard to all the relevant matters before them and only those matters.
- 6.6 Members considering an application have a duty to determine it only on the facts before them relating to that individual case and not decide it as a matter of general policy. Members must not make unreasonable decisions that no other reasonable licensing authority would arrive at, having regard to the legal principle of “Wednesbury reasonableness”.
- 6.7 Members should be aware that an unreasonable decision taking into account the above criteria, is unlikely to be sustained on appeal. In this instance, the authority foregoes the opportunity to attach terms and conditions to a licence and may have to pay costs. The role of officers is to point this out and advise members as to the potential risk of losing an appeal and being required to pay the other parties costs as a consequence. This needs to be balanced with the Council’s fiduciary duty towards the local taxpayer in terms of the Council being a public body spending public money.

7. Appeals

- 7.1 The Licensing Committee’s decision is not a final one. In respect of decisions of the General Purposes Committee, the applicant has the right to appeal to the Magistrates Court, subsequently to the Crown Court (or in certain instances directly to the Crown Court), and beyond.

- 7.2 In respect of decisions of the Alcohol and Entertainment Licensing Sub-Committees, all parties (the Applicant(s), interested parties and responsible authorities) have the right of appeal to the Magistrates' Court. The Magistrates' decision is however final.
- 7.3 An appeal must be lodged with the Justices' Chief Executive for the Magistrates' Court within 21 days beginning on the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.
- 7.4 On such appeals the hearing takes on an increasingly formalised nature, based solely on the evidence given. The Council will only be able to sustain its defence if it can substantiate its grant or refusal of a licence by relevant admissible evidence.
- 7.5 Members who consider basing the grant or refusal of a licence on their personal knowledge should be prepared to testify to the relevant facts in any appeal proceedings.
- 7.6 Taking this factor into account along with the real risk of costs against the Council, members must be wary of relying on any matters which could not readily be proved in evidence. In short, for Committee decisions to "stand up" on appeal and to avoid costs being awarded against the Authority, decisions to grant or refuse licences or impose conditions must be justified.

8. Training

- 8.1 Members of the Licensing Committee (and alternate members) must participate in a programme of training on the planning system and related matters agreed by and organised by officers. The programme will consist of compulsory and discretionary elements. If a Member of the Licensing Committee fails to participate in compulsory elements of the training this may result in that member being asked to stand down as a member of Licensing Committee.
- 8.2 Members should be aware that training is particularly important for members who are new to the Licensing Committee and for members who have not attended training in the recent past.
- 8.3 Where a member has a genuine difficulty in attending any particular training session officers will try when practicable to accommodate a request for an individual or repeat session.

ANNEXE 1 **Convention Rights**

ARTICLE 6

Article 6 of the European Convention on Human Rights provides (in part):

"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."

The Licensing Committee's decisions on most licensing functions are subject to independent tribunals, usually the Magistrates' or Crown Courts, so satisfying the provisions of Article 6.

The Committee must however conduct a fair hearing in accordance with the rules of natural justice.

ARTICLE 1 OF THE FIRST PROTOCOL

Article 1 of the First Protocol also has relevance to the licensing function. This states:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principals of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

An existing licence is a possession under Article 1 of the First Protocol.

Any decision to, for example, revoke a licence must be according to the law. Any decision to impose terms and conditions on the grant of a licence will need to be proportionate and necessary to protect the interests of a democratic society.

Article 1 of the First Protocol also has relevance in respect of any third parties objecting to a licensing application, because of their right to the enjoyment of their property.

ARTICLE 8

The impact of a decision on a neighbouring property also brings into play the right to respect for home, privacy and family life (Article 8)

Article 8 states:

"1. Everyone has the right to respect for his private and family life, his home and his correspondence

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the

country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others."

The Code of Recommended Practice on Local Authority Publicity

1. Introduction

- 1.1 This code applies to all local authorities in England specified in section 6 of the Local Government Act 1986 and to other authorities in England which have that provision applied to them by other legislation. Where the term “local authorities” is used in this code it should be taken as referring to both those categories of authority. References to “the Act” are to the Local Government Act 1986.
- 1.2 Local authorities are required by section 4(1) of the Act to have regard to the contents of this code in coming to any decision on publicity. Section 6 of the Act defines publicity as “any communication in whatever form, addressed to the public at large or a section of the public”. The code therefore applies in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newsheets and maintenance of websites – including the hosting of material which is created by third parties.
- 1.3 Nothing in this code overrides the prohibition by section 2 of the Act on the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Paragraphs 21 to 24 offer some guidance for local authorities on the management of publicity which may contain or have links to party political material.

Principles

- 1.4 Publicity by local authorities should:-
- be lawful
 - be cost effective
 - be objective
 - be even-handed
 - be appropriate
 - have regard to equality and diversity
 - be issued with care during periods of heightened sensitivity

Lawfulness

- 1.5 Local authorities should ensure that publicity complies with all applicable statutory provisions. Paid-for advertising must comply with the Advertising Standards Authority’s Advertising Codes.
- 1.6. Part 3 of the Communications Act 2003 prohibits political advertising on television or radio. Local authorities must ensure that their publicity does not breach these restrictions.
- 1.7. Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a local authority of material relating to a referendum under Part 7 of that Act, during the period of 28 days immediately before the referendum is held.
- 1.8. Regulation 5 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089) prohibits local authorities from publishing material in the 28 days immediately before a referendum which expresses support for, or opposition to a particular answer to a referendum question relating to the constitutional arrangements of the authority.

- 1.9. Regulation 15 of the Local Authorities (Referendums, Petitions and Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the authority, or to assist others to publish such material.

Cost Effectiveness

- 1.10. In relation to all publicity, local authorities should be able to confirm that consideration has been given to the value for money that is being achieved, including taking into account any loss of potential revenue arising from the use of local authority-owned facilities to host authority publicity.
- 1.11. In some circumstances it will be difficult to quantify value for money, for example where the publicity promotes a local amenity which is free to use. In such a case authorities should be able to show that they have given thought to alternative means of promoting the amenity and satisfied themselves that the means of publicity chosen is the most appropriate.
- 1.12. If another public authority, such as central government, has issued publicity on a particular topic, local authorities should incur expenditure on issuing publicity on the same matter only if they consider that additional value is achieved by the duplication of that publicity. Additional value might be achieved if locally produced publicity gives a local context to national issues.
- 1.13. The purchase of advertising space should not be used as a method of subsidising voluntary, public or commercial organisations.
- 1.14. Local authorities should consider whether it is appropriate to seek advice from economic analysts, public relations experts or other sources of expert advice before embarking on a publicity campaign involving very large expenditure.

Objectivity

- 1.15. Local authorities should ensure that publicity relating to policies and proposals from central government is balanced and factually accurate. Such publicity may set out the local authority's views and reasons for holding those views, but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy.
- 1.16. Any publicity describing the council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy. It is acceptable for local authority publicity to correct erroneous material which has been published by other parties, despite the fact that the material being corrected may have been published with the intention of influencing the public's opinions about the policies of the authority. Such publicity should seek to explain the facts in an objective manner.
- 1.17. Where paid-for advertising is used by local authorities, it should be clearly identified as being advertising. Paid-for advertising, including advertisements for the recruitment of staff, should not be used in any publication owned or controlled by a political party.

- 1.18. Advertisements for the recruitment of staff should reflect the tradition of political impartiality of local authority employees and should not (except in the case of advertisements relating to the appointment of staff pursuant to section 9 of the Local Government and Housing Act 1989 (assistants for political groups)) refer to any political activities or affiliations of candidates.

Even-Handedness

- 1.19. Where local authority publicity addresses matters of political controversy it should seek to present the different positions in relation to the issue in question in a fair manner.
- 1.20. Other than in the circumstances described in paragraph 34 of this code, it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. This might be appropriate, for example, when one councillor has been the “face” of a particular campaign. If views expressed by or attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.
- 1.21. It is acceptable for local authorities to host publicity prepared by third parties – for example an authority may host a blog authored by members of the authority or a public forum on which members of the public may leave comments. Maintenance by a local authority of a website permitting the posting of material by third parties constitutes a continuing act of publication by that local authority which must accordingly have a system for moderating and removing any unacceptable material.
- 1.22. It is generally acceptable for local authorities to host publicity, such as a blog, which itself contains links to external sites over which the local authority has no control where the content of those sites would not itself comply with this code. This does not amount to giving assistance to any person for the publication of material which local authorities are not permitted to publish. However, particular care must be taken by local authorities during the period before elections and referendums to ensure that no breach of any legal restriction takes place. It may be necessary to suspend the hosting of material produced by third parties or public forums which contain links to impermissible material during such periods.
- 1.23. It is acceptable for publicity containing material prepared by third parties and hosted by local authorities to include logos of political parties or other organisations with which the third parties are associated.
- 1.24. It is acceptable for publicity produced or hosted by local authorities to include a logo associated with a particular member of the authority, such as a directly elected mayor, or leader of the authority. Publicity material produced by local authorities relating to a particular member must not seek to affect public support for that individual.
- 1.25. Where local authorities provide assistance to third parties to issue publicity they should ensure that the principles in this code are adhered to by the recipients of that assistance.

Appropriate Use of Publicity

- 1.26. Local authorities should not incur any expenditure in retaining the services of lobbyists for the purpose of the publication of any material designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.
- 1.27. Local authorities should not incur expenditure on providing stands or displays at conferences of political parties for the purpose of publicity designed to influence members of political parties to take a particular view on any issue.
- 1.28. Local authorities should not publish or incur expenditure in commissioning in hard copy or on any website, newsletters, newsheets or similar communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsletters, newsheets or similar communications, they should not issue them more frequently than quarterly, apart from parish councils which should not issue them more frequently than monthly. Such communications should not include material other than information for the public about the business, services and amenities of the council or other local service providers.
- 1.29. Publicity about local authorities and the services they provide should be freely available to anyone who wishes to receive such information in a format readily accessible and understandable by the person making the request or by any particular group for which services are provided.
- 1.30. All local authority publicity should clearly and unambiguously identify itself as a product of the local authority. Printed material, including any newsletters, newsheets or similar publications published by the local authority, should do this on the front page of the publication.

Equality and Diversity, etc

- 1.31. Publicity by local authorities may seek to influence (in accordance with the relevant law and in a way which they consider positive) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues.
- 1.32. Local authorities should consider how any publicity they issue can contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

Care During Periods of Heightened Sensitivity

- 1.33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this code. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.
- 1.34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to

publish factual information which identifies the names, wards and parties of candidates at elections.

- 1.35. In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.

LOCAL CODE OF CORPORATE GOVERNANCE

Introduction

Each local authority operates through a governance framework. The governance framework is an interrelated system that brings together an underlying set of legislative requirements, standards of behaviour, and management processes.

Good governance means that the way a local authority operates is based on sound and transparent decision making with an effective process to support it.

This Code sets out the Council's governance framework. It is based on Guidance issued by the Chartered Institute of Public Finance and Accountancy ('CIPFA') and the Society of Local Authority Chief Executives ('SOLACE') that was originally published in 2007 entitled Delivering Good Governance in Local Government and which has subsequently updated.

There are six core principles and further supporting principles identified by CIPFA/SOLACE which underpin and inform the way in which a local authority should perform its services and other functions. These principles inform the Council's governance framework, the Local Code of Corporate Governance and the standards by which the Council is audited.

The principles and standards set out below in this Code reflect those set out by the current CIPFA/SOLACE Guidance

1. Focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area

The Council will demonstrate strategic leadership, ensure that users receive a high quality of service whether directly, in partnership or by commissioning and ensure the best use of resources and secure excellent value for money for residents by

- developing and promoting a clear vision of the Council's purpose and intended outcomes for the community and the local area and ensure that is clearly communicated, both within the Council and to external stakeholders
- ~~regularly reviewing~~ the basis of its vision for the local area and its implications on its governance arrangements
- ensuring that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties
- publishing an annual report on a timely basis to communicate its activities and achievements **and** its financial position and performance
- deciding how the quality of service for users is to be measured and making sure that the information needed to review service effectively and regularly is available
- putting in place effective arrangements to identify and deal with failures in service delivery

- deciding how value for money is measured and making sure that the authority or partnership has the information needed to review value for money and performance effectively
- measuring the environmental and community safety impact of policies, plans and decisions

2. Members and officers working together to achieve a common purpose with clearly defined functions and roles

The Council ensures effective leadership by being clear about respective executive and non executive functions, having constructive working relationships between members and officers, and making sure that partnership arrangements are clear. The Council will achieve this by

- Setting out a clear statement of the respective roles and responsibilities of the Cabinet and of the Cabinet's members individually and the approach towards putting this into practice
- Setting out a clear statement of the respective roles and responsibilities of authority members, members generally and of senior officers
- Having a scheme of delegation and reserve powers within the constitution including a formal schedule of those matters reserved specifically for collective decision of the authority taking account of relevant legislation and ensure that it is monitored and updated when required
- Ensuring the Chief Executive responsible and accountable to the authority for all aspects of operational management
- Ensuring a senior officer (the S151 officer) is responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping financial records and accounts, and for maintaining an effective system of internal financial control
- Ensuring a senior officer (the monitoring officer) is responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.
- Having protocols to ensure effective communication between members and officers in their respective roles
- Setting out the terms and conditions for remuneration of members and officers and an effective structure for managing the process.
- Ensuring that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated
- Ensuring when working in partnership that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority
- Ensuring when working in partnership that there is clarity about the legal status of the partnership and that representatives of organisations both understand and make clear to all other parties the extent of their authority to bind their organisation to partner decisions

3. Promoting values of the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

The Council will ensure the members and officers maintain high standards of conduct and that organisational values are put into practice and are effective. The Council will

- ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect
- ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols
- put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflict of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice
- develop and maintain shared values, including leadership values both for the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners
- put in place arrangements to ensure that procedures and operations are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice.
- develop and maintain an effective Standards Committee
- use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority
- in pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.

4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

The council will be rigorous and transparent about how decisions are made and will reflect upon constructive scrutiny. It will ensure good quality information to make decisions, have in place and effective risk management system and use its legal powers for the benefit of the community. The Council will

- develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the organisation's performance overall and of any organisation for which it is responsible.
- develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based
- put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice
- develop and maintain an effective audit committee which is independent
- put in place effective, transparent and accessible arrangements for dealing with complaints
- ensure that those making decisions whether for the authority or partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications.
- ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately
- ensure that risk management is embedded into the culture of the organisation, with members and managers at all levels recognising that risk management is part of their job
- ensure that arrangements are in place for whistle blowing to which staff and all those contracting with the authority have access

- actively recognise the limits of lawful activity placed on it, for example the ultra vires doctrine but also strive to utilise powers to the full benefit of our communities
- recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law
- observe all specific legislative requirements placed upon it, as well as the requirements of general law, and in particular integrate the key principles of good administrative – rationality, legality and natural justice into its procedures and decision making processes

5. Developing the capacity and capability of members and officers to be effective

The Council will make sure that members and officers have the skills, knowledge and resources needed to perform well, and that those skills are evaluated and developed. It will also engage and encourage new talent. The Council will

- provide induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis
- ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the organisation
- assess the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively
- develop skills on a continuing basis to improve performance including the ability to scrutinise and challenge and to recognise when outside expert advice is needed
- ensure that effective arrangements are in place for reviewing the performance of the authority as a whole and agreeing an action plan which might for example aim to address any training or development needs
- ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority
- ensure that career structures are in place for members and officers to encourage participation and development

6. Engaging with local people and other stakeholders to ensure robust public accountability

The Council will effectively engage local people and stakeholders, engage in dialogue with and accountability to the public and make best use of human resources by

- making clear within the Council, to all staff and the community, to whom the Council is accountable and for what
- considering those stakeholder bodies to whom the organisation is accountable and assessing the effectiveness of the relationships and any changes required
- producing an annual report on scrutiny function activity

- Ensuring that clear channels of communication are in place with all sections of the community and other stakeholders including monitoring arrangements to ensure that they operate effectively
- holding meetings in public unless there are good reasons for confidentiality
- ensuring arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands
- Establishing a clear policy on the types of issues it will meaningfully consult on or engage with the public and service users including a feedback mechanism for those consultees to demonstrate what has changed as a result
- On an annual basis publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period
- ensuring that the authority as a whole is open and accessible to the community, service users and its staff and ensuring that it has made a commitment to openness and transparency in all its dealings, including partnerships subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so
- developing and maintain a clear policy on how staff and their representatives are consulted and involved in decision making

Annual Review and Reporting

Each year the Council will carry out a review of the governance arrangements measured against the Code and the principles set out in the CIPFA/SOLACE guidance to ensure compliance with this Code, and the delivery of good governance within the local government framework and current good practice. The purpose of the review will be to provide assurance that governance arrangements are good and operating effectively and to identify any action required to improve effective governance in the future.

The outcome of the review will take the form of an Annual Governance Statement prepared on behalf of the Leader at the Council and Chief Executive. It will be submitted to the Audit Committee for consideration and review with the annual accounts to meet the statutory requirement of the Accounts and Audit Regulations 2006. This requires findings of the review of the system of internal control to be considered by a committee of the relevant body, or by members of the body meeting as a whole.

The Governance Framework consists of a range of documents, policies and procedures developed, maintained and promoted by a number of different departments which are published and promoted to members, officers and others by publication on the Council's website.

This Code will be reviewed after the Annual audit and when any new CIPFA/SOLACE guidance is issued.

PROTOCOL FOR MEMBER/OFFICER RELATIONS

1. INTRODUCTION

- 1.1. The purpose of this Protocol is to guide members and officers of the Council in their relations with one another.
- 1.2. This Protocol forms part of a series of Codes which are set out in the Constitution. Members are reminded that breach of this protocol could result in action being taken against that member under the Members' Code of Conduct which can include investigation and reports to the Council's Standards Committee. Officers are also bound by this protocol and breaches by officers are addressed under the Council's disciplinary processes.
- 1.3. Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues that may arise.
- 1.4. This protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.5. This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and as such demand very high standards of personal conduct.

2. RELATIONS BETWEEN MEMBERS AND OFFICERS

- 2.1 Members and officers should at all times treat each other with respect and courtesy. It is essential for the operation of the Council that there is a close working relationship, built on mutual respect, between members and officers.
- 2.2 It is clearly important that there should be a close working relationship between the Leader, Cabinet Members or Chair of a committee or sub-committee and the Chief Officers and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other party groups or with Council business generally.
- 2.3 Officers are not obliged to attend members' surgeries and it is recommended that they do not.
- 2.4 Whilst the Leader of the Cabinet or Chair of a committee (or sub-committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a Chief Officer will be under a duty to submit a report on a particular matter. Similarly, a Chief Officer will always be fully responsible for the contents of any reports submitted in his/her name. Any issues arising between the Leader or a Chair and a Chief Officer in this area should be referred to the Chief Executive for resolution.

3. OFFICER ADVICE TO PARTY GROUPS

- 1.1. It is common practice for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups.
- 1.2. The support provided by officers can take many forms, ranging from a briefing meeting with the Leader of the Cabinet, Cabinet member, or a committee chair to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 1.3. Certain points must however be clearly understood by members and officers alike. In particular:
 - (a) officer support in these circumstances must not extend beyond providing information and advice in relation to matters of *Council* business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not invited to be present nor attend at meetings, or parts of meetings, when matters of *party* business are to be discussed;
 - (b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - (c) similarly, where officers provide information and advice to party group meetings in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council or the Cabinet or a relevant committee or sub-committee thereof, when the matter in question is considered.
- 3.4. Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Brent Members Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a members only meeting.
- 3.5. Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group. Similarly, members should not disclose confidential or exempt information to other persons, including other members and non-members who may not be entitled to receive that information.
- 3.6. Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

4 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

- 4.1 The only basis upon which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc) to members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 4.2 Members should not seek, and officers should not provide, support or assistance for any other purpose, including political purposes.

5 CORRESPONDENCE

- 5.1 It should not normally be necessary for an officer to copy correspondence between an individual member and the officer to any other member. Where, exceptionally, it is necessary to copy the correspondence to another member, this should be made clear to the author of the original correspondence.
- 5.2 Official letters on behalf of the Council should be sent out under the name of the appropriate officer rather than a member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear under the name of a member, but this should be the exception rather than the norm. This would normally be in the name of the Leader or other Cabinet member.
- 5.3 Members should not write letters which create obligations or give instructions on behalf of the Council.
- 5.4 Members should not coerce officers to send particular correspondence or to write or refrain from writing a particular statement.
- 5.5 The Council's logo may be used on correspondence from members but only where the correspondence relates to Council business. Guidance on letterheads and the use of the Council's logo will be issued from time to time and members should comply with that guidance. Members should also be familiar with the Code of Practice on Local Authority Publicity which may be relevant.

6 INVOLVEMENT OF WARD COUNCILLORS

- 6.1 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the ward or wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward members should be notified at the outset of the exercise.

7 PRESS RELEASES AND PUBLICITY

- 7.1 Press releases issued by the Council's Head of Communications may contain quotes from the Leader, Cabinet Members, or the appropriate Chair of committees. Press releases will be confined to factual information and an explanation of agreed Council policy. Where the press make a request for political comments this will be referred to the relevant party spokesperson(s).
- 7.2 The Members of the Cabinet relevant chairs and vice-chairs and group spokesperson(s) will be sent copies of Council press releases when they are

published. Where Council press releases relate solely to a specific ward issue the ward members will also receive a copy of the press release when it is issued.

7.3 Any press release issued by the Council under the above arrangements will comply with the Local Government Act 1986 and the Code of Practice on Local Authority Publicity, and in particular:

- must have the principal purpose of explaining or commenting upon Council policy
- must be factually correct; and
- must not include materials the main effect of which is party political (i.e. designed to affect public support for a political party).

7.4 Special care in relation to press releases and publicity should be taken during the pre-election period. Members and officers should pay particular attention to any guidance issued on this point by the Monitoring Officer, Chief Executive or other relevant officer(s).

7.5 Members of the Council may respond to requests for press, radio and television interviews, but these will be given in a personal capacity and will be the personal responsibility of the member concerned. Where a formal Council view is requested this will be referred by the Head of Communications to, the Leader of the Cabinet, the appropriate Cabinet member, or the appropriate committee Chair.

7.6 The recognised channel for press approaches to the Council is through the Head of Communications. At his/her discretion, officers may deal with any request for information or questions asked by the press, television or radio, and may accept invitations to broadcast or appear on television in order to give the facts of a situation or explain the Council's practices. It is important that the relevant senior officer(s) is involved in signing off any draft response prepared. The Leader of the Cabinet, Cabinet member, or relevant chair will be informed as soon as practicable.

7.7 When press conferences or media events setting out agreed Council policy are arranged Leader and other members of the Cabinet, or the relevant chair and vice-chair of the committee, will be invited to attend.

7.8 Members should not coerce officers into issuing publicity or organising events which would, or might, contravene the rules on political publicity.

8. VISITS

8.1 Any arrangements for visiting relevant Council establishments shall be available to relevant party spokesperson(s) on an equal basis.

9. DIRECTIONS TO STAFF

9.1 Members should not issue any instruction to officers to do or to refrain from doing anything. There are exceptions to this in relation to the Leader and members of the Cabinet where the issue relates to Council policy or business and are executive matters. This general rule shall not however, prevent committee chairs from requesting officers to make arrangements or provide documents in respect of meetings of which they are chair.

- 9.2 Members should not make statements to staff whether verbally or in writing which could be construed as amounting to a suspension, dismissal or disciplinary action nor do anything which could amount to constructive dismissal.

10 STAFF APPROACHES TO MEMBERS

10.1 It is important that appropriate boundaries of behaviour and proper communication channels are maintained at all times which reflect the respective roles of officers and members in the Council.

10.2 The Brent Council officers' Code of Conduct sets out standards of behaviour for officers, breach of which can lead to disciplinary action. Included in that Code are the following restrictions on officers' interaction with Members

- do not canvass members on employment related matters nor seek to influence members prior to any meetings of the Senior Staff Appointments Sub Committee or Staff Appeals Sub Committee, other than in the context of giving proper professional advice
- do not take up any staffing problems or issues with members.

Any such approaches from officers or ex officers of the Council to a Member should be referred by the member to the Director Human Resources and Administration.

11. CODE OF CONDUCT AND CODES OF PRACTICE

11.1 Members must adhere to the Brent Members Code of Conduct, the Planning Code of Practice and the Licensing Code of Practice at all times and the general principles of conduct set out in the Localism Act 2011 namely:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty
- Leadership.

PROTOCOL ON MEMBERS' RIGHTS OF ACCESS TO INFORMATION

1. INTRODUCTION

- 1.1 The purpose of this protocol is:
- (a) to set out the rights of access to Council information that members of the Council have; and
 - (b) to provide guidance to members and officers on the approach to be adopted in the exercise of these rights in respect of availability of Cabinet and Committee Reports and to information held by the Council generally.
- 1.2 This protocol does not deal with the rights of access of the public and the press which are set out in the Access to Information Rules.

2. GENERAL PRINCIPLES

- 2.1 Members are free to approach Council staff of appropriate seniority to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Service Area or Corporate Director or another senior officer of the department concerned.
- 2.2 Members should not try to use their position to coerce officers into releasing to them information which they are not entitled to see. Any issues should be taken up with the relevant Service Area or Corporate Director.
- 2.3 Any difficulty as to whether a member is entitled to particular information should be referred by the relevant member or officer for advice from the Chief Legal Officer. The final decision in a disputed case is a matter for the relevant Council committee or sub-committee or in the case of executive functions, the Cabinet or its committee(s).
- 2.4 The effect of the rules contained in statute and regulations is that all councillors are entitled to see all reports to the Cabinet and Committees in advance, together with documents relating to the matters contained in the report, except those that are exempt information as set out in the Access to Information Rules in Part 6 of the Constitution. The restriction on access under category 3 only applies in so far as the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract and there is no restriction for members on access to information that is exempt because it falls within category 6. Members of the Scrutiny Committee may be able to see those excluded reports after the decision has been taken if the report concerns a matter in their work programme or is called in to be considered by them. This is the position set out in the Access to Information Rules in the Constitution.
- 2.5 Reports containing confidential information as defined in the legislation (i.e. information stated by the government to be confidential or which is covered by a prohibition on disclosure in legislation or which is covered by a court order) cannot be made public and the public must be excluded from any part of a meeting during which such a report is discussed. There is no discretion in respect of this category of information.

- 2.6 The decision as to whether a report due to be considered by the Cabinet or its Highways Committee or the Barham Park Trust Committee, the Council or one of its committees contains exempt information as set out in the legislation and whether or not it should be generally circulated is made by the "proper officer". The proper officer in Brent is the Head of Executive and Member Services. The proper officer will be exercising a discretion in deciding whether to circulate exempt papers other than to members of the relevant body and that discretion must be exercised reasonably. The Head of Executive and Member Services will take advice from the Chief Legal Officer.
- 2.7 There is no statutory right for councillors to attend meetings of bodies of which they are not a member while confidential or exempt reports are being considered.
- 2.8 It is a matter for the body which is meeting (i.e. the Cabinet or its Highways Committee or Barham Park Trust Committee a Council committee) whether other councillors are allowed, as a matter of discretion, to remain at an otherwise open meeting while exempt matters are discussed. The Cabinet or the committee will be exercising discretion in deciding whether to allow any councillors who are not members of the body to remain and that discretion must be exercised reasonably.
- 2.9 Members have further rights of access beyond those specifically given in statute in certain circumstances. These additional rights are described as "common law rights". A member is entitled to see documents which are reasonably necessary to enable him or her to carry out his or her duties **as a Councillor**. This is generally described as the "need to know" principle.
- 2.10 There is no simple definition of this. Various court cases have given indications of how the common law right should be interpreted. There is no right to a "roving commission" to satisfy curiosity and the right will not arise if there is some form of ulterior or indirect motive (such as to assist someone in litigation against the council) which underlies the wish for access. Ulterior or indirect motive would cover any case where the "real" reason the Councillor wants access is not to do with carrying out his or her role **as a Councillor** (e.g. where the reason is to do with the members position as a party member, as a resident or as a member of any association.) Extra care will need to be taken in considering the application of this right in cases where there is litigation underway or contemplated connected to the information sought. However, the fact that the information is potentially embarrassing for the Cabinet or Council as a whole is not in itself a reason to deny access to information to which a Councillor is otherwise entitled. A member of a committee will normally be entitled to access to papers concerning matters for which the committee is responsible.
- 2.11 Reports which members are not entitled to see as of right may be made available to them and this Protocol explains the circumstances when this may happen.

3. APPLYING A PRINCIPLE OF OPENNESS IN THE WRITING OF REPORTS

- 3.1 Reports to Committees and the Cabinet should only be marked exempt when this cannot reasonably be avoided in order to protect the interests of the Council and/or third parties in accordance with the statutory rules on exempt reports. Report writers should bear in mind the qualifications in respect of the categories of exempt information as marked in the Table at paragraph 53 of Part 6 of this Constitution and should also bear in mind that information which has been exempt at one stage may not remain so. For example, information which if disclosed at an early stage might have prejudiced the Council in negotiations for a

contract may at a later stage not be capable of having that effect. The information would then no longer be exempt.

- 3.2 It is sometimes possible for reports to be written in such a way that exempt information is separated out from the main body of the report to be included in a separate exempt sheet. Sometimes information in reports could be made anonymous without the effectiveness of the report being reduced. This is one way of ensuring that as many reports, and as much information, are made accessible as possible. There will still inevitably be a number of reports which are marked exempt.
- 3.3 Officers who write reports should strive to avoid entire reports being below the line (exempt) by omitting exempt information where possible and appropriate and in other cases trying to separate out the exempt information on to separate sheets.
- 3.4 Where a report is split in this way, the chair at the meeting at which it is considered will need to be careful to ensure that members are aware that there is additional information in an exempt section of the report. Guidance on how to handle reports split in this way is contained in section 6.4 of this Protocol.

4. ACCESS TO REPORTS

- 4.1 The Head of Executive and Member Services intends to apply a presumption of openness when exercising his discretion concerning giving members access to exempt reports that they do not have a positive right to see. The following sections set out the normal practice that will be followed in respect of automatic despatch of reports to members and in respect of responding to requests from members for reports.
- 4.2 All reports will of course be despatched to all members of the relevant committee or other body.
- 4.3 Subject to section 5 below, all reports (normally including exempt reports) will be sent to Leaders of Party Groups. The Head of Executive and Member Services would of course retain discretion not to despatch copies automatically in appropriate cases, for example if a report concerned a matter in which the member had a personal interest or concerned a person known to the member.
- 4.4 Subject to section 5 below, specific reports (normally including exempt reports) will be despatched to any councillor on request.
- 4.5 In some cases it may be appropriate for a member requesting access to a report to be given an opportunity to see the report without a copy being supplied for the member making the request to take away.
- 4.6 Members automatically sent exempt reports, or receiving them after making a request, would not be entitled to share the reports with other members of their party group but could alert them to the advisability of requesting a copy of the report/calling the report in. Other members could request a copy direct from the Head of Executive and Member Services. Such a request would then be dealt with in accordance with the principles set out in this section 4 and in section 5 below.
- 4.7 The Head of Executive and Member Services reserves the right not to provide exempt information to any councillor not entitled to it as of right if he believes the information is wanted for an improper purpose.

5. PARTICULARLY SENSITIVE CATEGORIES OF INFORMATION

- 5.1 Reports containing some categories of exempt information are less appropriate for automatic circulation or distribution on request to members not directly concerned in them through their role on the Cabinet or a committee than others.
- 5.2 It would not normally be appropriate for reports covered by categories 1, 2 and 5 in the Table at paragraph 53 of Part 6 of this Constitution to be made generally available. These categories cover information about particular individuals or which enables individuals to be identified. Reports containing information falling into these exempt categories will only be provided to (or in some case made available to) councillors who are not members of the relevant body if they are able to positively demonstrate to the Head of Executive and Member Services (if necessary on the advice of the Chief Legal Officer) that they have a need to have a copy of or see the report in order properly to carry out their duties as a Councillor.
- 5.3 Reports containing information falling into category 3 to which members are not automatically entitled (terms proposed in the course of negotiations for a contract) may also be particularly sensitive. These reports will normally be provided as a matter of course to the Leaders of each political group and be made available or copied to other members on their specific request. However, where the report is particularly sensitive this will not happen. This may be the case for example where negotiations are on going in relation to price or price sensitive aspects of the contract.
- 5.4 Officers relying on category 3 on the basis that a report contains information about terms proposed in the course of negotiations for a contract will be expected either to prepare a report which separates the exempt from the non exempt information so the latter can be freely circulated, or to produce, on request, an expanded summary of the report for councillors who are not members of the decision making body and are not provided with a copy of the report but who want to know more about the matter than is contained in the brief "Summary" section within the report.
- 5.5 Separating out exempt information into a separate appendix, where possible, in order that the main body of the report can be publicly available is good practice in all cases and not just where category 3 (in respect of information about terms proposed in the course of negotiations for a contract) is relied on. Where a report is split in this way, when the open part of the report is considered at the Council, committee or Cabinet meeting the chair of the meeting shall draw to the meeting's attention that the report is a split report and that further information appears in the exempt papers. If any member of the body considering the report indicates that they wish to comment on or question the report in a manner likely to involve discussion of the exempt information, the body shall consider whether discussion of the item should be postponed until a part of the meeting from which it is expected the public will be excluded.
- 5.6 Information falling into categories 8-10 (Standards Committee reports) may also be particularly sensitive. The Head of Executive and Member Services will seek the advice of the Chief Legal Officer on any request by a member who is not a member of the Standards Committee for a report covered by these exemptions before providing a copy of, or allowing access to, the report.

6. ESTABLISHING A NEED TO KNOW

- 6.1 It is not possible to include in this Protocol hard and fast rules as to the application of the "need to know" principle as it will inevitably depend very much on the specific circumstances. Where this principle applies members will be entitled to access to reports as of right even if access would not otherwise be given under the earlier sections of this protocol. However, the following general principles can be identified.
- 6.2 The Chair of the Scrutiny Committee is likely to have a greater need (but no absolute right) to have access to exempt reports specifically concerning those issues for which those committee are responsible, principally matters forming part of the work programme of the committee and matters which have been recently considered by the Cabinet .
- 6.3 Party Leaders are likely to have a greater need (but no absolute right) to have access to exempt reports than ordinary councillors with no special role.
- 6.4 Ward Members may have a particular need to know about matters affecting their ward. This does not mean they are entitled to access all information the Council has concerning matters affecting their ward. For example, if the information is confidential and could not in any event be passed on by the Ward member to constituents, a clear need to know for reasons that did not involve sharing the information with constituents would need to be established.
- 6.5 A Councillor will generally have a need to know information a constituent had asked the councillor to obtain on their behalf if the constituent would themselves be entitled to that information.

7. ACCESS TO OTHER FORMS OF INFORMATION

- 7.1 All Service Area and Corporate Directors should ensure that relevant information within their areas of responsibility is supplied to particular members according to their legitimate individual needs and requests. This may be by way of committee reports, letters or any other appropriate means. In fulfilling this obligation, such directors should have particular regard to the information needs of members as local representatives, including:
- information on all significant matters which particularly affect the member's ward
 - information on local matters in which the member may have expressed a specific interest, even though they do not directly concern the ward he/she represents
 - where relevant, information at two stages: when a decision is being considered and when it is being implemented.
- 7.2 If a director considers that meeting a request for information would involve an unreasonable commitment of resources, the member making the request shall be so advised. If that member persists in requesting the information then the director may refer the matter initially to the Leader of the Cabinet or the appropriate committee of sub-committee chair (or in the absence of the Leader or chair the Deputy Leader or Vice Chair) and then on to the Cabinet or the appropriate committee or sub-committee if necessary.

- 7.3 Officers should not release to members or non-members any information which they are aware is exempt or confidential and which that person is not entitled to receive.
- 7.4 Positive briefings (i.e. those which originate from officers otherwise than in response to a request or enquiry) will generally only be given to members of the Cabinet or chairs or vice-chairs of committees or sub-committees although officers are not prevented from giving briefing to other members if they feel that is appropriate.
- 7.5 'Fishing expeditions' will not be responded to and the reasons for a member's request for information will be sought.
- 7.6 Ward members have a legitimate role as advocates for their constituents as a group and as individuals. Ward members seeking information about individual constituents will need to demonstrate that they have the agreement of their constituent to the disclosure by the Council of the information. This will usually be by way of written confirmation, especially in the case of sensitive personal information. Ward members cannot use their role as a Councillor to obtain for constituents information to which the constituents themselves would not be entitled.
- 7.7 All requests for information will be dealt with in accordance with the established legal principles governing members' rights to information.
- 7.8 More detailed advice about access to specific documents can be obtained from the Chief Legal Officer.

8. FREEDOM OF INFORMATION ACT

- 8.1 Councillors have the same rights to access to information under the FOIA as anyone else. The special rights of access members have, as described above, may overlap with rights under the FOIA or may allow Councillors access to information (or documents) that would not be available to them under the FOIA. For example, it is not necessary to say why information is wanted if it is requested under the FOIA but it would be necessary to state this if a Councillor was relying on their need to know as a Councillor. It may be that information that is not available to a Councillor under the FOIA (because it is covered by an exemption) may be available to them on the basis of their special rights as a Councillor. So, in some respect the FOIA rights are wider than Councillor's other rights and in some respects they are narrower.

9. GUIDANCE ON POTENTIAL PENALTIES AND CLAIMS IF LOSS IS CAUSED BY DISCLOSURE OF PERSONAL OR COMMERCIAL SENSITIVE INFORMATION

- 9.1 Much of the information kept by the Council relates to individual clients and officers and members are expected to be discreet in their handling of such information which is disclosed to them.
- 9.2 One element of this will be obligations to individuals or organisations about whom a report contains information which is confidential to respect that confidentiality. Wrongful disclosure of information which results in some form of damage to a person or business to which the obligation is owed could be actionable against the Council. Information is often provided by people to the Council for a particular purpose and to disclose or use it for another purpose can lead to a Data

Protection Act breach. Clearly the Council itself could be damaged by information wrongly disclosed. Wrongful disclosure by a Councillor would be a matter to be dealt with under the Members Code of Conduct and could result in a complaint to the Standards Committee about the member concerned.

9.3 The Brent Members Code of Conduct provides that:

Paragraph 4

“You must not -

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is -
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or”

Paragraph 6

“You –

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage”

9.4 A breach of the Brent Members Code of Conduct can lead to sanctions being imposed on the member concerned.

PROTOCOL ON CALL-IN

1. Introduction

- 1.1 The basic premise of call-in is that it is a failsafe mechanism enabling non executive Councillors to make the Cabinet re-consider a particular decision if it is of major concern or in Members eyes profoundly flawed.
- 1.2 The statutory guidance on call-in states that there needs to be an appropriate balance between effectively holding the Cabinet to account, being able to question decisions prior to them being implemented and allowing effective, efficient decision making. It also balances the need to make the process accessible and the need to ensure that call-in procedures are not abused or used to delay or slow down the decision making process.
- 1.3 As call-in can inevitably result in a delay to the implementation of decisions it should not be used for party political purposes to seek to further discuss a decision that some members do not agree with. Equally, the rights of non executive members to call-in a decision and exercise their right to question the decision, the decision maker and consider alternative options needs to be respected.
- 1.4 This protocol is designed to provide a locally agreed framework within which call-in can operate, a clear set of criteria against which a call-in request can be judged and a format for the effective conduct of the meeting considering the call in.

2. What is a call-in?

- 2.1 A decision made by the council's Cabinet can be called in for review before it is implemented. Decisions can be called in by five non-executive members or by the Scrutiny Committee. If a Cabinet decision is called-in, that decision should not be implemented until it has been considered by scrutiny. Called in decisions are considered by the Scrutiny Committee. An urgency procedure is in place for any decision that cannot afford to be delayed.
- 2.2 The Scrutiny Committee will meet within 15 working days of the decision being made. If the Committee agrees with the reasons for the call in, the decision is referred back to the Cabinet along with the reasons why the Committee thinks it should be reconsidered. The Cabinet will then decide whether to implement the original decision or review the decision based on the views of the Scrutiny Committee. If the Committee does not agree with the reasons for call in then the matter is not referred back to the Cabinet and the original decision is implemented.

3. The call-in process

- 3.1 A call in request must be submitted within 5 days of the relevant decision being made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. When submitting the call in request members must set out the following:
 - an explanation as to why they are calling in the decision and if they are calling in all or part of the decision(s).
 - an outline of the suggested alternative course of action.
- 3.2 The call-in request form or a similar format should be used to ensure full

information is provided.

3.3 When a call-in request is submitted the Head of Executive and Member Services will refer it to the Chief Legal Officer and the Head of Policy and Scrutiny (the council's designated scrutiny officer) who will decide whether or not the call-in conforms with this protocol. The call-in request will be assessed against the following criteria:

- Is the call-in process being used as a means of gaining information / understanding or discussing general concerns with Members and officers? If this could be achieved through the general overview and scrutiny process or by talking to the relevant officer or lead member informally the call-in will not be valid,
- Does the call-in duplicate a recent call-in on the same issue? If the call-in duplicates another call-in made within the previous 6 months it will not be valid,
- Have the reasons for calling in the decision already been discussed by the Scrutiny Committee? If the reasons for calling in the decision have been discussed by the Scrutiny Committee prior to the decision being made the call-in will not be valid,
- Call-in of a decision of the Cabinet referring a matter to Full Council for consideration will not be valid,
- Call in of operational management decisions taken by officers will not be valid
- If the call in request is considered to be frivolous, vexatious or clearly outside the call-in provisions it may be deemed invalid. Prior to deciding the validity the Chief Legal Officer and the Head of Policy and Scrutiny may seek clarification from the members concerned.

4. The Conduct of the call-in Meeting

4.1 The Scrutiny Committee is an official committee of the council and its meeting are held in public.

4.2 The purpose of a call-in meeting is for non executive members to examine and consider the decision made by the Cabinet and for members of the committee to make suggestions and recommendations they consider appropriate. The Scrutiny Committee provides an opportunity for members to seek clarification of the methodology used in enabling a decision to be made, as well as explore work undertaken by officers culminating in the matter coming before the Cabinet .

4.3 The relevant Cabinet Portfolio Holder and chief officer (or his/her representative) will be invited to attend the Call-in Committee meeting to explain the reasons for the decision, respond to the issues raised in the call-in request and answer questions at the meeting.

4.4 It is the chair of the Scrutiny Committee's responsibility to manage the meeting effectively by applying standing orders, maintaining good discipline and fostering a culture of respect. All contributions to the meeting should go through the chair and the chair should ensure that no purely personal disagreements or comments are allowed to continue.

4.5 To ensure that the meeting is effective the chair will:

- (a) Start each call-in agenda item by asking a representative of the members that called in the decision to set out the reasons for the call in.
 - (b) If a member of the public has made a request to address the meeting, the rules relating to members of the public addressing a meeting as set out in Standing Orders apply. Members of the public can be allowed to speak for 2 minutes or 3 minutes in exceptional circumstances. If a number of requests to speak have been received then the chair should seek to limit the number of contributions to avoid hearing the same points repeated and should seek advice from the Head of Executive and Member Services about how this should be managed.
 - (c) Ensure that all of the members of the public who it has been agreed will address the meeting are heard prior to the lead member and any relevant officers being asked to respond to the issues raised by the call-in.
 - (d) Invite members of the committee to question the lead member and officers and discuss the issues. Members who are not members of the committee but wish to ask a question can be invited to do so.
 - (e) Having considered the call-in invite members of the committee to come to one of the following conclusions:
 - That the grounds for the call-in are upheld. In these circumstances the committee must set out what it wants the Cabinet to do.
 - That the grounds for the call-in are rejected and the decision can be implemented.
- 4.6 Ensure that any member wishing to make a recommendation to the Cabinet clearly states what course of action they are proposing.

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PART 8

MEMBERS' ALLOWANCE SCHEME

The London Borough of Brent, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 and the Local Government Act 1972 hereby makes the following Scheme.

Introduction

1. This is The London Borough of Brent Members' Allowances Scheme. The allowances in Schedule 1 shall become effective from 1st June 2014 and will continue (subject to paragraph 10) until a further decision of the Council.

Interpretation

In this Scheme:

"Councillor" means a member of the London Borough of Brent who is a Councillor.

"Year" means a period of 12 months ended 31 March.

"Week-day" means a day between Monday and Friday (inclusive).

Basic Allowance

2. For each year a basic allowance as set out in Schedule 1 of this Scheme shall be paid to each Councillor.

Special Responsibility Allowances

3. (1) For each year, a Special Responsibility Allowance shall be paid to those Councillors who have the Special Responsibilities in relation to the authority that are specified in Schedule 1 of this Scheme.
(2) The amount of each such Allowance shall be the amount specified against that Special Responsibility in Schedule 1.
(3) No member shall receive more than one Special Responsibility Allowance.

Allowances for voting co-opted members and the independent member on Standards Committee and Audit Committee

4. For each year an allowance as set out in Schedule 1 of this Scheme shall be paid to the education voting co-opted members and the Independent members on the Standards Committee and Audit Committee.

Dependants Carers' Allowance

5. A dependants' carers' allowance may be claimed by a councillor in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in the attendance at meetings or the performance of functions of a type specified in Schedule 2 provided that
 - i) the allowance will be for reimbursement only of the reasonable costs of such care which shall be equal to the hourly rate of the London Living Wage (unless special care is required and approved)
 - ii) approval of the claim is sought from the Head of Executive and Member Services prior to the meeting.

Civic dignitaries

6. In accordance with the necessary tax dispensation, for each year the allowances set out in schedule 1 shall be paid to the Mayor and Deputy Mayor to meet the expenses of their office.

Renunciation

7. A Councillor (or voting co-opted or independent member) may, by notice in writing given to the Mayor's Office Manager, elect to forego any part of their entitlement to an allowance under this Scheme.

Part-year Entitlements

8. In so far as this scheme has effect for only part of a year or where, in the course of a year, this Scheme is amended or a Councillor or voting co-opted or independent member becomes or ceases to be a Councillor or voting co-opted or independent member, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable, the entitlement to such an allowance shall be to such part of the allowance as bears to the whole in the same proportion as the number of days during which their term of office subsists bears to the number of days in that year.

Claims and Payments

9. (1) dependent carers allowance or voting co-opted or independent members allowance under this Scheme shall be made in writing within two months of the date on which the duty in respect of which the entitlement to the allowance arises.
- (2) Payments shall be made:
- (a) in respect of Basic and Special Responsibility Allowances, subject to Sub-Paragraph (4) below, in instalments of one-twelfth of the amount specified in this Scheme on a day each month as determined by the Mayor's Office Manager.
- (b) in respect of Mayoral and Deputy Mayoral allowances, in accordance with a scheme for which a tax dispensation has been given.
- (c) in respect of dependents' carers' allowances, on the day as determined by the Head of Executive and Member Services in respect of claims received up to the last day of the preceding month.
- (3) Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more or less than the amount to which, by virtue of Paragraph 8, he or she is entitled, the payment shall be such amount as will ensure that no more or no less is paid than the amount to which he or she is entitled.
- (4) A record of all payments made under this Scheme showing recipient, nature and amount shall be maintained and made available for public inspection.
- (5) No member may claim an allowance under this Scheme if he or she is already claiming an allowance from another authority in respect of the same duties

- (6) Where an allowance has already been paid in respect any period during which the person claiming the allowance was not entitled to so claim the Council may recover the amount paid.

Annual Uplift

10. Basic, special and civic allowances payable under this Scheme shall be increased with effect from each April by a percentage equal to the inflation pay award agreed as part of the Local Government Pay Settlement in the previous financial year, unless otherwise determined by the Council. This annual uplift shall cease to apply after 1st October 2018.

Suspension

11. Where a councillor or voting co-opted or independent member is suspended or partially suspended, all member allowances will be withdrawn from that councillor, voting co-opted member or independent member for the period of suspension or partial suspension, including travel or any allowances payable under this scheme.

Pensions

12. (a) The following members of the Council are entitled to pensions in accordance with a members pension scheme:

[none]

- (b) The following allowances shall be treated as amounts in respect of which such pensions are payable:

[none]

SCHEDULE 1

Allowance	Number of Posts	Amount (£)	Total (£)
Basic			
Payable to all councillors	63	10000	630,000
Special Responsibility			
Only one special responsibility allowance will be paid to any one member			
Post			
Leader	1	38,964	38,964
Executive Members			
Deputy Leader	1	28,397	28,397
Other Executive members	6	18,711	112,266
Chair of the Scrutiny Committee	1	14,000	14,000
Vice Chair Scrutiny (Main Opposition Group)	1	5,000	5,000
Chair of Council Committees			
Planning Committee	1	13,340	13,340
Standards Committee	1	2,134	2,134
Co-Chair Youth Parliament	1	2,134	2,134
Chairs of sub-Committees			
Pension Fund sub-Committee	1	2,134	2,134
Chairs of Service User Consultative Forums	5	2,134	10,670
Chairs of Service Area Consultative Forums	5	4,825	24,125
Members of Alcohol and Entertainment Licensing Committee	15	2,134	32,010
Members of Planning Committee	6	3,202	19,212
Members of Scrutiny Committee	6	3,170	19,020
Member of Adoption and Permanency Panel	1	3,202	3,202
Member of Fostering Panel	1	3,202	3,202
Group Leader of the principal Opposition Group or where there is more than one group of the same size such group as the Council shall decide	1	12,785	12,785
One Opposition Group allowance to the Principal Opposition Group	1	2,134	2,134
Group Whip for the majority party where that party exceeds more than 50% of the seats	1	5,528	5,528
Deputy Whips for the majority group	2	2,134	4,226
Mayor	1	9,000	9,000
Deputy Mayor	1	7,000	7,000
Co-opted and Independent Members			
Voting co-opted members	4	222	1332
Non Voting co-opted member of Standards Committee	1	419	419
Audit Committee Chair	1	419	419

SCHEDULE 2**Extract from The Local Authorities (Members Allowances) (England) Regulations 2003****Dependants' carers' allowance**

7. (1) A scheme may provide for the payment to members of an authority of an allowance ("dependants' carers' allowance") in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in—

(a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;

(b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that—

(i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or

(ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;

(c) the attendance at a meeting of any association of authorities of which the authority is a member;

(d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;

(e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;

(f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

(g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools)(1); and

(h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.