



SUMMONS TO ATTEND COUNCIL MEETING

Monday, 22 November 2010 at 7.00 pm
Council Chamber, Brent Town Hall, Forty Lane,
Wembley, HA9 9HD

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.

GARETH DANIEL
Chief Executive

Dated: Friday, 12 November 2010

For further information contact: Peter Goss, Democratic Services Manager
020 8937 1351, 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:

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda

Apologies for absence

Item	Page
1 Minutes of the previous meeting	1 - 14
2 Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
3 Mayor's announcements	
4 Appointments to committees and outside bodies and appointment of chairs/vice chairs	
5 Report from the Leader or members of the Executive	15 - 16
To receive reports from the Leader or members of the Executive in accordance with standing order 42.	
6 Questions from the Opposition and other Non- Executive Members	
Questions will be put to the Executive.	
7a) The First Reading of the 2011-2012 Budget Priorities for the Administration	17 - 20
This report should be read in conjunction with the Council's new Borough Plan 'Brent our Future 2010-14' and the concurrent report from the Director of Finance and Corporate Services.	
7b) First Reading Debate on the 2011-2012 to 2014-2015 Budget and Term Financial Plan	21 - 44

Reports from the Director of Finance and Corporate Services attached.

Ward Affected: All Wards; **Contact Officer:** Clive Heaphy, Director of Finance and Corporate Services
Tel: 020 8937 1424
clive.heaphy@brent.gov.uk

8 Reports from the Chairs of Overview and Scrutiny Committees

To receive a report on behalf of the Chairs of the Overview and Scrutiny Committees in accordance with standing order 41.

9 Changes to the constitution

45 - 122

This report proposes a series of changes to the council's constitution arising out of the council's departmental restructuring and other miscellaneous and incidental changes.

Ward Affected: All Wards; **Contact Officer:** Fiona Ledden,
Director of Legal and Procurement
Tel: 020 8937 1292
fiona.ledden@brent.gov.uk

10 Motions

To debate any motions submitted in accordance with standing order 45.

11 Urgent business

At the discretion of the Mayor to consider any urgent business.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near The Paul Daisley Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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LONDON BOROUGH OF BRENT

Minutes of the ORDINARY MEETING OF THE COUNCIL
held on Monday, 13 September 2010 at 7.00 pm

PRESENT:

The Worshipful the Mayor
Councillor Harbhajan Singh

The Deputy Mayor
Councillor M Aslam Choudry

COUNCILLORS:

Aden	Adeyeye
Allie	Arnold
Mrs Bacchus	Baker
Beck	Beckman
Beswick	Brown
Butt	Cheese
Chohan	S Choudhary
Colwill	Crane
Cummins	Daly
Denselow	Gladbaum
Green	Harrison
Hector	Hirani
Hossain	Hunter
John	Jones
Kabir	Kataria
Long	Lorber
Mashari	McLennan
Mistry	J Moher
R Moher	Moloney
Naheerathan	Ogunro
Oladapo	BM Patel
CJ Patel	HB Patel
HM Patel	RS Patel
Powney	Ms Shaw
Sheth	Sneddon
Thomas	Van Kalwala

Apologies for absence

Apologies were received from: Councillors Al-Ebadi, Ashraf, Castle, Clues, Hashmi, Leaman, Matthews, Mitchell Murray and Steel

1. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 12 July 2010 be approved as an accurate record of the meeting.

2. **Declarations of personal and prejudicial interests**

Councillor Powney declared a personal interest by reference to his membership of the West London Waste Authority.

3. **Mayor's announcements**

The Mayor announced that the Council had exceeded all expectations at the annual London in Bloom Awards ceremony by achieving three individual 'Gold Standard' awards for Roundwood Park, Mapesbury Dell and Fryent Country Park and an individual 'Silver Gilt' award for Gladstone Park. But the crowning glory had been that Brent was the overall winner and won the 'Best in Category' for the 'Large City Award'.

The Mayor congratulated Councillor Ann John OBE on celebrating her 70th birthday on 9 September and passed on the Council's best wishes.

The Mayor was sorry to report the death of Councillor Al- Ebadi's brother in Iraq and on behalf of the Council conveyed sincere condolences to him and his family.

The Mayor was also sorry to report the recent death of former Labour councillor K J Patel. On behalf of the Council he conveyed sincere condolences to his family.

Councillors John and HB Patel spoke in memory of Mr KJ Patel.

The Mayor reported that Councillor Castle had recently been in hospital for an operation, but was pleased to say he was now back home and recovering well and that he wished to thank everyone for their best wishes.

The Mayor informed the Council that Duncan McLeod, Director of Finance and Corporate Resources, was attending his last Council meeting having worked in Brent for 23 years and served as the Council's senior finance professional since 2004. Members placed on record their gratitude and appreciation for his work and wished him well for the future.

The Mayor referred to the list of current petitions showing progress on dealing with them which had been circulated around the chamber.

4. **Procedural motion**

Councillor Moloney moved a procedural motion proposing a change in the order of business.

RESOLVED:-

that the order of business listed on the summons be amended to allow for Item 8 - Debate on crime and community safety - to be brought forward and taken immediately following item 5 - Appointments to Committees/Appointment of Chairs/Vice Chairs (if any) - after which the order shall be as listed on the summons.

5. **Changes to the Constitution**

The report before Council set out the proposed changes to the Council's constitution in relation to the overview and scrutiny structure, the operation of full council, the arrangements for the Annual Council meeting and other miscellaneous matters.

Councillor John introduced the report by explaining that the constitutional working group had submitted the proposals in an effort to improve the way council worked so that it became more participative and to re-align the work of overview and scrutiny to provide greater opportunity for non-executive members to scrutinise the development and implementation of the council's improvement and efficiency programme. Councillor John stated she would welcome feedback from members on what they thought about the new arrangements.

Councillor HB Patel stated that the constitution needed to move with the times and that whilst the previous arrangements now seemed ineffective they were right for the time and had operated with cross party support.

RESOLVED:

- (i) that the changes to the constitution set out in appendices A to E of the report be agreed, including the cancellation of the meeting of the Council scheduled in October 2010;
- (ii) that the Borough Solicitor be authorised to make such changes to the constitution as are incidental to the changes agreed above;
- (iii) that pursuant to Section 31 of the Local Democracy, Economic Development and Construction Act 2009, the Director of Policy and Regeneration be appointed as the Council's Scrutiny Officer.

6. **Appointments to committees and outside bodies and appointment of chairs/vice chairs (if any)**

RESOLVED:

that the following appointments be made:

Committee	member	1st alternate	2nd alternate
One Council Overview and Scrutiny Committee (replaces	Beckman Chohan McLennan Sheth Van Kalwala	<i>Long</i> <i>Hirani</i> <i>Harrison</i> <i>Kabir</i> <i>Denselow</i>	<i>Mashari</i> <i>Hossain</i> <i>Hector</i> <i>Kataria</i> <i>Gladbaum</i>

Overview and Scrutiny Cttee)	Castle (C) Lorber Colwill (VC)	<i>Brown</i> <i>Matthews</i> -	<i>Beck</i> <i>Brown</i> -
Partnership and Place Overview and Scrutiny Committee (replaces Performance and Finance Select Cttee)	Bacchus Hirani Naheerathan Ogunro Van Kalwala (C) Brown Clues (VC) HB Patel	<i>Oladapo</i> <i>Aden</i> <i>Al-Ebadi</i> <i>Chohan</i> <i>Mistry</i> <i>Lorber</i> <i>Matthews</i> -	<i>Sheth</i> <i>Adeyeye</i> <i>Beckman</i> <i>Choudhary</i> <i>Daly</i> <i>Leaman</i> <i>Allie</i> -
Health Partnerships Overview and Scrutiny Committee (replaces Health Select Cttee)	Adeyeye Daly Hector Kabir Ogunro (C) Beck Hunter (VC) Colwill	<i>Naheerathan</i> <i>Sheth</i> <i>Aden</i> <i>Mitchell Murray</i> <i>McLennan</i> <i>Clues</i> <i>Leaman</i> -	<i>Oladapo</i> <i>Van Kalwala</i> <i>Al-Ebadi</i> <i>Moloney</i> <i>Mistry</i> <i>Cheese</i> <i>Straw</i> -
Children and Young People Overview and Scrutiny Committee (replaces Children and Families O & S Cttee)	Aden Gladbaum (C) Harrison Hector Oladapo Hunter Matthews (VC) HM Patel	<i>Mistry</i> <i>Choudry</i> <i>Hirani</i> <i>Daly</i> <i>Long</i> <i>Sneddon</i> <i>Clues</i> -	<i>Mitchell Murray</i> <i>Choudry</i> <i>Hossain</i> <i>Denselow</i> <i>Mashari</i> <i>Ashraf</i> <i>Allie</i> -
Budget and Finance Overview and Scrutiny Committee (replaces Budget Panel)	Choudry (VC) Long Mashari Sheth Van Kalwala Ashraf Allie (C) Vacancy	<i>Chohan</i> <i>McLennan</i> <i>Harrison</i> <i>Denselow</i> <i>Choudhary</i> <i>Brown</i> <i>Green</i> -	<i>Moloney</i> <i>Mistry</i> <i>Hector</i> <i>Gladbaum</i> <i>Daly</i> <i>Lorber</i> <i>Cummins</i> -
Call-in Overview and Scrutiny Committee (replaces Forward Plan Select Cttee)	Denselow Kabir Long Mashari Mistry Castle (C) Clues BM Patel	<i>Beckman</i> <i>Bacchus</i> <i>Van Kalwala</i> <i>McLennan</i> <i>Adeyeye</i> <i>Lorber</i> <i>Matthews</i> -	<i>Hossain</i> <i>Chohan</i> <i>Sheth</i> <i>Aden</i> <i>Al-Ebadi</i> <i>Brown</i> <i>Allie</i> -

7. Debate - Crime and community safety

The Chief Executive introduced Matt Gardner, the Borough Commander, to the meeting. He thanked councillors for inviting him to speak and introduced Superintendent Alisdair Ferguson who had accompanied him to the meeting.

Matt Gardner reported on the position in the borough with regard to the main areas of crime that were of concern to people. The incidence of robbery was up on the previous year and he outlined why he thought this might be. There had been a good reduction in the number of burglaries but he warned that the winter months usually saw an increase. A lot of work had gone into reducing the amount of violent

crime and in the last two months 20 firearms had been taken off the streets. He referred to three recent murders in the borough and that all suspects had been arrested and charged.

The Commander referred to the anticipated cuts in public expenditure and that he and his colleagues were concerned that this would lead to a cut in the number of police on the streets. The police worked very much in partnership with local councils and this was shown in the council's contribution of 16 police community safety officers. The two organisations were having a healthy debate over how performance could be maintained and any overlaps eliminated. It was clear that the Metropolitan Police would need to be a leaner and more effective organisation and any under performers would have to leave the service.

Matt Gardner sought councillors support and input to organising the safer neighbourhood teams which would need to work more across boundaries. Any proposed rationalisation of police stations would need to be supported. The choice would be maintaining levels of police on the streets or keeping open front offices that attracted only a small footfall. He had attended a meeting of the Brent Youth Parliament that had presented a good opportunity to work with young people on stop and search. There were challenges to deal with on sickness levels although he pointed out this had been wrongly reported in the local newspaper.

In summary, the Borough Commander stated that there were 700 police officers and 270 support staff under his command all of which need to do their jobs to the best of their ability with a smile on their faces.

Councillor Beswick, Lead Member for Crime and Community Safety, thanked the Borough Commander for his contribution. He condemned the talk of cuts to the police service. He acknowledged that all areas of public service would have to find savings and the challenge was how to do this in the most effective way. He was keen to find an effective way of alerting ward councillors to issues within their areas. Things would need to be done differently and it would take leadership and the involvement of all to achieve this.

Councillors made individual contributions to the debate and asked questions of the Borough Commander. Issues raised covered stop and search, the value of the safer neighbourhood teams, the effects of drug related crime, how to raise the confidence that local residents had in the police, the effect cuts in public expenditure might have, views on the effectiveness of anti social behaviour orders and the role of police community safety officers in dealing with enviro-crime.

In response the Borough Commander confirmed his position on making data available relating to stop and search and would welcome direct approaches on this. Cross borough working was proving effective in tackling gang crime. He emphasised that he was not proposing to cut the safer neighbourhood teams but they would be asked to work more flexibly so that they could be more easily moved to where the crime was happening. A lot of work had been undertaken by the drug squad over the last 18 months but this was very resource intensive. Matt Gardner acknowledged that drugs were often the root of evil and that suppliers needed to be targeted. The issue of raising the public's confidence in the work of the police was under active consideration by Superintendent Ferguson. The Borough Commander felt that anti social behaviour orders had their place but they were not an answer on

their own. The police community safety officers did not have the powers to deal with enviro-crime but they could apprehend culprits and hold them until the police arrived. Matt Gardner again thanked the meeting for the opportunity to speak and stated that he saw his job as taking the bureaucracy away from police officers so they could concentrate on working the streets.

The Mayor thanked the Borough Commander for his contribution and also Superintendent Ferguson for his attendance.

8. Report from the Leader or members of the Executive

(a) Items reported by the Executive

Crest Academies

The Leader reported that, following a meeting with the Secretary of State for Education, funding for the development of the Crest Academies had been secured.

Voluntary sector grants

Councillor R Moher reported that consideration of this year's grants had resulted in a reduction in the funding to the Citizen Advice Bureau and the Law Centres but that they would continue to be able to deliver services. Councillor Moher referred to discussions taking place about the grant funding held by London Councils. Although it was easy to recognise the benefit to local councils if this money was distributed back to them, it would have implications. She felt more information was needed on those organisations that currently benefited from London Councils funding.

Day centres

Councillor R Moher stated that consultation was ongoing and a report was due back to the Executive at the end of the year.

Parking permits

Councillor J Moher reported on the increased charges and pointed out these were the first increases since 1999. There would be higher increases for larger cars. The new charges would come into effect on 1 April 2011 and this was in line with what other councils were doing.

Abolition of £25 charge for bulky refuse collection

Councillor Powney confirmed the abolition of the £25 charge from 1 October 2010.

Waste management

Councillor Powney explained that proposals were currently out for consultation and that changes were needed.

Elms Gardens Allotments

The Leader reported that a decision on this matter had been postponed and so it would come forward for further consideration in due course.

Coniston Gardens scout hut

Councillor J Moher reported that it had been decided to retain the scout hut for school and community purposes.

b. Decisions taken by the Executive under the Council's urgency provisions

RESOLVED:

that the decisions taken by the Executive's Highways Committee under the Council's urgency provisions relating to the following item be noted:

Proposed removal of a street tree outside 148 Purves Road

9. Questions from the Opposition and other Non- Executive Members

Councillor Shaw asked what representations were made to Transport for London when bus stops and pedestrian crossings were moved. Councillor J Moher replied that when proposals to move bus stops were made, the Council regularly made representations but these were often met with reluctance on the part of bus companies to change their plans. Councillor Shaw responded by referring to meetings of the Transport Liaison Committee and pointed out that the last meeting of this committee was arranged on an important religious date. She referred to a bus stop in Watford Road and a bus stop in Willesden Lane both of which had been moved with no consultation. She felt Transport for London's approach to this was shoddy and hoped the Executive would take the matter up and insist that proper consultation was carried out.

Councillor Long asked when a credit union would be established. Councillor Butt replied that nothing had yet been arranged but that he would look into it and respond to Councillor Long. Councillor Long responded by stating that Brent Housing Partnership would soon be introducing a credit union with the consequence that this would help stop loan sharks from operating in the borough. She felt the Council had been backward on looking at this matter and that it showed the benefit of Brent Housing Partnership being independent of the Council.

Councillor Beck asked for a fairer deal for motorists in the light of the proposed increase in charges for parking permits. Councillor J Moher replied that the proposals represented a fair deal for the borough on the environment. It was proposed to tackle carbon emissions in a serious way. The increase represented income to the Council of £7M over four years. Given the Government was about to cut the transport budget it was right to increase the fees. Councillor Beck responded that he agreed on the point about the environment but he referred to a leaflet handed out before the local elections which alleged that the Liberal Democrats would hike up prices if they were returned to power and that Labour would ensure motorists got a fairer deal. Now after the election the Labour Party had backed out of its promise.

Councillor HB Patel referred to parking charges and asked if an analysis had been carried out on how many cars there were in each zone and what effect increasing charges would have on people. Councillor J Moher replied that there had been no increase since 1999 and that if the charge had been linked to an inflation rate the charge should have gone up by £75. Consultation was being carried out and he assured the meeting that the outcome would be heard. However, he expressed surprise that the environmental considerations were not being shared by the other political parties on the Council. Councillor HB Patel responded that it was contradictory to increase the charges and be environmentally friendly. Owners of

big cars would be those most likely to be able to afford the charge or would have their own garages. A greater effect would be felt by those less able to afford the charges and would lead to an increase in people paving their front gardens to create parking meaning the policy would turn out to be less environmentally friendly. He submitted it was just a scheme to make money.

Councillor Brown asked that arrangements be made for the planting of a tree to mark Holocaust Day. Councillor Butt replied that he would be open to suggestions on where to plant such a tree and would look into it himself. He asked Councillor Brown if he had approached the Parks Service on this matter. Councillor Brown responded that, whilst welcoming the reply that it would be looked into, he was sorry that agreement could not be given immediately and included as part of the Council's holocaust memorial event. He did not feel it was a matter for referral to the Parks Service.

Councillor Green referred to the increase in controlled parking zones (CPZ) permits and asked if consideration had been given to an opt out for some people given the 300% increase agreed. Councillor J Moher replied that the reference to a 300% increase was only for 'gas guzzlers'. The increases for smaller and medium size cars were relatively small when taken over the year. Councillor Green responded that he found it typical that a scheme should be introduced initially as a way of permitting people to park closer to their home and then get twisted into a scheme to generate more income. He felt it was unreasonable to charge up to £150 per year as this was not made clear before the election. He stated that it would be right to provide an opt out.

Councillor Cheese asked if the decision for the Executive members and chief officers to stay in an out of borough hotel would be reconsidered and the booking for the October away-days cancelled. Councillor John replied that the amount of money it cost the council was not as high as it was being reported. Also it was not a hotel but a training centre. She submitted that the previous administration had hardly made a coherent decision and did not view the away days as being important. She stated that it was cheaper to stay out of borough than in the borough. Also if people stayed in borough there would be more coming and going, less time spent together and a less coherent outcome. Councillor John added that every large business made similar arrangements and whilst causing controversy it was the responsibility of the Executive to look at the best ways for lead members and officers to work together. Councillor Cheese responded that he had heard the argument put that it was less expensive to use a facility outside the borough but comparisons were only made with expensive venues within the borough. He felt it was ridiculous to need to organise team bonding events. He asked for acceptance that it was not necessary to go on an away day event to set a budget and that Bridge Park or the Council's training centre could be used instead. He urged the Executive to reconsider the arrangements and avoid an ongoing scandal.

Councillor Moloney asked when the Council was going to get back the £15M the Liberals gave to the Icelandic banks. Councillor Butt answered that he was working with the authorities to recover the money and that about a third had been recovered. Work was continuing to recover the rest but some may be lost. Councillor Moloney responded that losing the money was a disgraceful waste.

10. Reports from the Chairs of Overview and Scrutiny Committees

Because the new overview and scrutiny structure had only been introduced in September 2010 it was noted that there was nothing to report to this meeting of Full Council.

11. London Borough of Brent petition scheme

The council is required to have a petition scheme which outlines how the council will respond to petitions and the arrangements for a petition to trigger attendance by senior officers at an overview and scrutiny committee and a debate at a meeting of Full Council. There is also a requirement that by 15 December 2010 there should be provision for on-line petitions to be submitted. The report before Council proposed a petition scheme and outlined how the new arrangements will work.

RESOLVED:-

- (i) that the requirements of a petition scheme be noted;
- (ii) that the petition scheme attached as an Appendix A to the report be adopted and the consequential amendments to standing orders attached as Appendix B be agreed;
- (iii) that a review of the operation of the petition scheme be carried out in 6 months' time.

12. The Members' Allowances Scheme

The report before Council set out recommended changes to the Brent Members' Allowances Scheme, following consideration by the Constitutional Working Group.

RESOLVED:-

- (i) that the report from the Independent Remuneration Panel dated May 2010 attached as Appendix 1 to the report be noted;
- (ii) that the allowance for the Chair of the General Purposes Committee be deleted;
- (iii) that the allowance for the Vice Chair of Planning Committee be deleted;
- (iv) that an appropriate allowance be made available for the co opted non voting member of the Audit Committee;
- (v) that the indexation provisions continue to be by reference to the Local Government Pay Settlement for a further 4 years;
- (vi) that the Members' Allowances Scheme be adopted as set out in Appendix 2 to the report;
- (vii) that the amendments take effect from 1 October 2010.

13. Treasury Management

Councillor Butt (Lead Member for Corporate Resources) introduced the report before members which provided information on borrowing and investment activity, and performance compared to prudential indicators during 2009/10. It also set out revised requirements in the 2009 Treasury Management Code of Practice.

RESOLVED:-

- (i) that the 2009 Treasury Management Code of Practice as outlined in paragraphs 3.3 to 3.5 be adopted;
- (ii) that the Treasury Management Annual Report as set out in section 3 of the report and the Annual Investment Strategy as set out in section 4 of the report be approved;
- (iii) that the outturn for prudential indicators referred to in section 5 of the report be noted;
- (iv) that the updated position in 2010/11 referred to in paragraph 3.25 of the report be noted.

14. **London Local Authorities Bill**

London Councils on 13 July 2010 agreed to promote a private Bill which would provide flexibility in relation to travel concessions on railways and provide for an arbitration mechanism in relation to the cost of the reserve scheme. Following the decision, London Councils had asked each individual Borough, including Brent, for support. The resolution recommended for adoption was circulated at the meeting.

RESOLVED:-

that the Council approves the inclusion in a bill to be promoted by Westminster City Council of provisions effecting all or some of the following purposes –

- (a) to alter the application of Chapter VIII of Part IV of the Greater London Authority Act 1999 so that different provision may be made for travel concessions in relation to different railway services and journeys on railway services on the London Local Transport Network and so as to make provision for arbitration in cases where London Authorities consider that charges notified by Transport for London under the reserve free travel scheme are excessive;
- (b) to enact any additional, supplemental and consequential provisions that may appear to be necessary or convenient.

15. **Motions**

Parking charges

Councillor J Moher moved the motion circulated in his name and referred to a letter in the local paper from the Green Party supporting the position taken by the administration on this matter.

Councillor Lorber referred to the time when controlled parking zones (CPZs) were first introduced with the aim of protecting residents living close to stations and shopping areas and the first permit was free. Thereafter charges were levied in order to recover the costs of administration. The intention was not to use them as a means of raising income. He suggested that to be serious about penalising the 'gas guzzlers' a look needed to be taken at the level of tax on petrol. He stated that people had been betrayed when sold the idea of CPZs and they were now easy targets for raising revenue.

Councillor HB Patel submitted that whilst a lot was said about the environment it was more about raising revenue. A car was not a luxury and a visitor's permit was at the same level whatever car was used. Councillor Patel stated that the users of 'gas guzzlers' were charged more in other taxes but the Council still wanted to charge them more as well. He referred to the fact that there had been no increase since 1999 and the reason for this was that it was not intended to be a revenue raising stream. He submitted that this represented a tax burden on residents and that the only way of protecting the environment was to educate the public.

The motion was put to the vote and declared CARRIED.

RESOLVED:-

that this Council notes the breathtaking hypocrisy of Brent Liberal Democrats who are campaigning against Labour's emissions based parking charges having spent the past decade or so putting forward exactly the same policy. This is perhaps not surprising for a party which opposed increases in VAT before May 6 only to embrace a savage Conservative increase immediately after the election; a party which condemned the Conservative's proposals to cut public spending too fast too deeply *before* the election only to enthusiastically do precisely that *after* the election and a party which now finds itself to the right of Boris Johnson who recently condemned the Government for cutting too far too fast thus provoking the risk of a double dip recession. Local voters will know that there are no principles which the Liberal Democrats will not sacrifice for temporary political gain and that only Labour is serious about tackling climate change.

Bulky refuse collection charge

Councillor John moved the motion circulated in her name. The motion was put to the vote and declared CARRIED.

RESOLVED:-

that this Council welcomes the impending abolition of the £25 charge for bulky refuse collection, which proves that Labour keeps its promises.

Members' Allowances

Councillor Gladbaum moved the motion circulated in her name. The motion was put to the vote and declared CARRIED.

RESOLVED:-

that this Council notes that the Independent Remuneration Panel established by London Councils recommends a basic allowance for councillors of £10,597 compared with the figure of £7,974 paid by Brent Council. This Council further notes that special responsibility allowances in Brent are also way below the recommended level including the allowance paid to the Leader of the Opposition. We welcome the fact that Brent Council is saving tens of thousands of pounds by not accepting the recommended allowances and note that this saving significantly outweighs the cost of 'Awaydays'.

Car repair and spray painting garages

Councillor Allie moved the motion circulated in the name of the Liberal Democrat Group. He referred to the residents present at the meeting who were asking that something be done about the problems caused by car repairs and car spraying. The issues had been raised before but without results. The reputation of the Council was being damaged by the failure to deal with this matter. Councillor Allie asked that the Council look at how byelaws could be used to deal with the disruption caused in residential areas by such activity being carried out.

Councillor John agreed that the problem should be investigated and where necessary enforcement action taken against operators causing a nuisance. Councillor HB Patel agreed that the issue needed to be addressed.

The motion was put to the vote and declared CARRIED.

RESOLVED:-

that this Council:

shares the concerns of residents who face disruption from the activities arising from and out of car repair and spray painting garages across Brent, particularly where these are unregulated;

notes that many areas of the Borough, including in particular the Alperton area, are adversely affected by the sometimes inconsiderate activities of these businesses;

recognises that problems caused to local residents have included not being able to park their cars in their streets, being unable to reverse out of driveways, smells from paint fumes, noise at all hours of the day, and abuse from workmen for challenging activity that clogs up local streets;

regrets the impact on safety, where emergency vehicles find it difficult to pass through, and on the overall character of our local communities;

recommends to overview and scrutiny that a panel be established to look into better regulation of car repair/spray painting garages in mainly residential areas, including the possibility of restricting their operating times to 9am to 6pm weekdays, and 10am-5pm on Saturdays, and to investigate how the impact on surrounding streets can best be mitigated and enforced against;

supports efforts to seek the relevant Secretary of State's approval for any appropriate bye-laws which may be thought necessary or desirable to assist towards the objectives of this motion.

Executive awaydays

Councillor Lorber moved the motion circulated in the name of the Liberal Democrat Group which opposed the Executive's practice of having 'awaydays' at venues outside the borough. The motion was put to the vote and declared LOST.

Refuse collection

Councillor Colwill moved the motion circulated in the name of the Conservative Group which deplored the decision to introduce fortnightly bin collections.

Councillor Powney stated that the rationale for the proposal to move to fortnightly collection had been explained a number of times. The Council was committed to increasing recycling in order to minimise the amount of landfill and it could only meet its targets by introducing this sort of measure. He submitted that if the Government was to abolish landfill tax, lower its recycling targets and provide more money to local authorities this measure would not need to be considered but neither would there be any impact on improving the environment.

Councillor Lorber stated that the proposal would have greater credibility if it had not been argued against before the election. He added that it was similar to the position on parking charges where residents were told one thing before the election and then found something else being introduced after the election.

The motion was put to the vote and declared LOST.

16. **Urgent business**

None.

The meeting closed at 9.20 pm

COUNCILLOR HARBHAJAN SINGH
Mayor

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FULL COUNCIL – 22 NOVEMBER 2010

Report from the Executive

1. Items to be reported by the Executive

The Leader has given notice that the Executive will report to Council on the following items:

- i. Day centres
- ii. Emissions based parking
- iii. Waste and recycling
- iv. Libraries transformation
- v. Meeting with head teachers over cuts in BSF funding
- vi. Comprehensive Spending Review
- vii. London Councils' Summit
- viii. Member Development Charter

2. Decisions taken by the Executive under the Council's urgency provisions

Under the provisions of rule 38 of the Access to Information Rules in the Constitution, the Executive is required to report to the next Full Council for information on any key decisions taken by them but which did not appear in the Forward Plan.

Authority to appoint to a framework for leaseholder right to buy insurance and to award a call-off contract

The above item was considered by the Executive on 18 October 2010 when it was agreed:

- (i) that Acumis be appointed to the West London Alliance single-provider framework for leaseholder right to buy insurance with effect from 1 November 2010, with the framework running for a period of three years;
- (ii) that Acumis be awarded a contract for the provision of insurance to Brent right to buy leaseholders for a period of three years commencing 1 November 2010;
- (iii) that the observations made by leaseholders, set out in paragraph 3.20 and Appendix 3 of the report submitted in response to the leaseholder consultation notice dated 20 August 2010 regarding the proposal to award the contract to Acumis be noted.

Reason why it was impractical to defer the decision until it could be included on the Forward Plan:

Due to slippage in the procurement timetable, the current contract has already been extended until 31 October. Under EU procurement law such extensions are treated as new contracts. If the "new contract" / extension were to be extended by another month then this would take its value over the EU threshold.


As leaseholders pay for this insurance through their service charge, the award of contract is subject to the leaseholder consultation legislation. This consultation process has already been done, naming the contract start date as 1 November, and responses have already been received from leaseholders.

Taxicard – budget update and Transport for London funding redistribution

The above item is to be considered by the Executive on 15 November 2010 with the recommendation to note the projected Taxicard budget overspend for 2010/11 and to agree changes to bring spend within budget as recommended by London Councils.

Reason why it was impractical to defer the decision until it could be included on the Forward Plan:

Decisions have been requested by 25 November as if not made soon, the budget for individual borough schemes will be spent before the end of the financial year and London Councils will regrettably have no choice but to suspend the scheme in the borough concerned.

	<p style="text-align: center;">Full Council 22 November 2010</p> <p style="text-align: center;">Report from the Executive</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;">The First Reading of the 2011-2012 Budget Priorities for the Administration</p>	

1.0 Summary

- 1.1 This report sets out the Administration's priorities for the Financial Year 2011-2012 and should be read in conjunction with the Council's new Borough Plan (formerly the Corporate Strategy) 'Brent our Future 2010-14' and the concurrent report from the Director of Finance and Corporate Services.

2.0 Recommendations

- 2.1 That Council approves the Borough Plan (previously circulated widely including to all Members) as the definitive statement of Priorities over the next four years for the Administration.
- 2.2 That the Council is recommended to consider the broad budgetary priorities set out in this report alongside the Director of Finance and Corporate Services paper and debate them as set out in Standing Orders 25A and 44.

3.0 Introduction

- 3.1 The format of this report has in previous years consisted of a statement of the Administration's priorities for spending in the next financial year to deliver the Corporate Strategy and a Part 2 which sets out progress against the strategy over the past year.
- 3.2 The format this year has changed somewhat for two reasons. Firstly this in the first year of the new Borough Plan (Corporate Strategy) and therefore a delivery report is not appropriate. Secondly and more profoundly the current funding position the Authority finds itself in after

CSR (and anticipating the December Local Government Finance Settlement) makes the nature of prioritisation significantly different.

4.0 The Context

4.1 The concurrent report of the Director of Finance & Corporate Services sets out clearly the projected gap in next year's budget of approximately £36.7m which has been driven by the withdrawal of grant by Central Government.

4.2 Given the scale of the savings to be made the first priority of the Administration therefore is to continue to deliver essential services whilst also delivering a balanced budget.

4.3 As the Government has 'front-loaded' their cuts it means in the next financial year the Council will need to make considerable savings over and above those already identified in the July Budget report to Council and anticipated in the medium term financial strategy. Whilst we have confidence that the 'One Council Programme' will deliver around £21m of savings in 2011-2012 our projection is that there will need to be found in the region of a further £16m to achieve a balanced budget. The final definitive sum cannot be stated until after the Local Government settlement is announced on 6th December 2010.

4.4 We will therefore be looking for further savings through the One Council Programme and are also undertaking a Fundamental Review of all the Council's activities. Any savings identified from this will feed into the Budget Building process.

5. The Priorities

5.1 Given the context we describe above it is our intention to take forward our Borough Plan by concentration on activity in five core areas.

5.1.1 We will continue to support our commitment to regeneration and the economy of the Borough. We believe that the long-term well-being of local people is critical and we will continue to make investment and concentrate resources so that long-term benefits accrue. We are determined to use the concentration and rationalization of resources which the new Regeneration & Major Projects Service offers us to seize opportunities and to drive forward the approach we set out in the Borough Plan building a better long-term economic base for the Borough and providing jobs and facilities for local people.

5.1.2 In this most difficult of times we will continue to prioritise support to protect in the most vulnerable of our residents. Whatever changes we make we will ensure that our Social Care offer is second to none and that we will deliver the best possible services to both Children & Adults.

5.1.3 We will take forward our pledge to make residents neighbourhoods cleaner, safer, and greener. We remain absolutely committed to

making local environments better places and we will be making major effort over the next year and beyond to reduce our carbon emissions and also the direct tax that has been placed on them. We will build on our Ward Working approach and the next generation of Total Place/Community Based budgeting to make all public services more responsive to and more focused on the needs of our residents.

- 5.1.4 As authors of this Borough Plan we will develop a more strategic relationship with our local Partners and Neighbours. Investing in joint shared service provision where that delivers better service and value for money for residents. We will recast our relationship with schools to provide top quality services that schools will wish to buy into. We will ensure that in the difficult climate whatever we do adds up to better outcomes for local people.
- 5.1.5 We will recast our services offer to fit in with the financial realities we face and to deliver on our Borough Plan pledges. We will work harder than ever to drive forward efficiencies and improvements. Whenever we make major changes we will ensure that whatever we do will improve the services we provide. In our approach to Customer Services, Libraries and other key services to the public we will ensure that what we achieve will provide a better overall service for local people.


6. Conclusion

- 6.1 The delivery of our Borough Plan goes hand-in-hand with our approach to tackling the unprecedented financial difficulties we have now been placed in. We will not as a Council retreat from the business of providing services to our residents and become merely an 'enabler'. We will strive to deliver on all aspects of our Borough Plan, implementing efficiencies, linking with Partners using every means at our disposal to deliver on our promises whilst staying within the boundaries of financial prudence. We pledge to take actions to make the Borough better for all its residents to deliver beneficial long-term change and to leave the Borough a better place at the end of our four year term.

ANN JOHN
LEADER OF THE COUNCIL

Report – Full Council - First Reading Nov 2010

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	<p style="text-align: center;">Full Council 22 November 2010</p> <p style="text-align: center;">Report from the Director of Finance and Corporate Services</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;">First Reading Debate on the 2011-12 to 2014-15 Budget and Medium Term Financial Plan</p>	

1.0 Summary

- 1.1 This report, together with the separate report on this agenda on the priorities of the administration, meets the requirement in the Constitution (Standing Order 25(b)) that:

'The Executive shall present a report to Full Council setting out the financial position of the Council, financial forecasts for the following year and their expenditure priorities. 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".'

- 1.2 The record of the 'First Reading Debate' assists the Leader of the Council and the Chair of the Finance and Budget Overview and Scrutiny Committee in shaping the budget. The role of the Finance and Budget Overview and Scrutiny Committee is to assist the budget process by providing detailed input during the Executive's development of its budget proposals. This includes scrutiny of the Executive's budget proposals prior to the Executive's recommendations on the budget being agreed at their meeting on 15th February 2011, as well as further consideration after the Executive's recommendations have been made. Final decisions on the budget and the level of council tax for 2011-12 will be made at Full Council on 28th February 2011.
- 1.3 This report has been written on the basis of the best information available to the council at this stage. However, the Coalition's budget in June 2010 and its spending review in October 2010 will have significantly more impact on the council than similar announcements in previous years and the full consequences will not be clear for some time yet. Assumptions regarding external funding for 2011-12 are therefore based on an initial review and analysis of the figures set out in the October 2010 Spending Review (SR10).

1.4 Even without the detail, it is clear that the announcement was undoubtedly one of the most severe for the public sector generally and for local government specifically for many years intended, as it was, to reduce public spending by £80.5bn over the next four years. Budgets relating to local government were amongst the most affected both in terms of the value of reductions in funding and also the front-loaded nature of those reductions in 2011-12. Across local government, reductions in funding over the next four years of 26% or more are expected with at least 10% (after allowing for inflation) occurring in 2010-11. It is also clear that further areas of cost (such as the Carbon Reduction tax) will add pressures on expenditure during time a time of funding reduction.

1.5 As well as the considerable uncertainty surrounding funding for 2011-12, the same uncertainty exists around later years with an expectation that this will not become clearer until after the local government settlement in December 2010. In addition, the ongoing impact of the recession and pattern of future economic recovery mean that underlying assumptions about pay and price increases, interest rates, service pressures and other items within the council's medium term financial strategy will need to be kept under close review.

1.6 This report is structured as follows:

- Section 2 Recommendations
- Section 3 Background to the 2011-12 to 2014-15 budget
- Section 4 General Fund revenue budget issues in 2011-12
- Section 5 Schools Budget
- Section 6 Housing Revenue Account
- Section 7 The capital programme
- Section 8 Timetable
- Section 9 Financial implications
- Section 10 Legal implications
- Section 11 Diversity implications

2.0 Recommendations

2.1 Full Council is recommended to consider the issues set out in this report when it holds its 'First Reading Debate' for the purposes of Standing Order 25(a).

3.0 Background to the 2011-12 to 2014-15 budget and medium term financial plan

3.1 The 2010-11 budget was agreed at Full Council on 1st March 2010. Key features of the budget agreed for 2010-11 were:

- A General Fund budget requirement of £265.5m;

- No Council Tax increase for Brent services leading to a Band D level of £1,058.94;
 - No overall council tax increase, including the GLA precept, leading to a Council Tax for Band D properties of £1,368.76;
 - Reserves of £7.5m for 2010-11, which was at the lower end of the range of £7.5m to £8.0m recommended by the Director of Finance and Corporate Resources based on an assessment of financial risks and to enable effective medium term financial planning;
 - Financial projections for future years based on the assumptions that balances would remain within the £7.5m to £8m range and council tax increases would range between 0% and 5%.
- 3.2 Based on budget monitoring information to the end of September 2010, the Council now has a forecast overspend of £7.1m. This forecast overspend has increased from the £5.9m overspend forecast at the end of the first quarter. This potential overspend is due to continuing spending pressures, particularly on Brent's childrens and adults social care budgets and the withdrawal of £6.5m of grant income during the financial year. Further details are in Appendix A.
- 3.3 If no actions were to be taken to address underlying causes of the overspend, the council would be projected to have balances at 31st March 2011 of £0.5m, which is substantially below the £7.5m target set in the 2010-11 budget. Therefore a programme of actions is underway to eliminate the forecast overspend without recourse to the use of any more reserves than originally planned.
- 3.3 The 3 year financial forecasts included in 2010-11 budget reports have formed the background for work on the 2011-12 to 2014-15 budget carried out over the past few months although it is abundantly clear that the impact of the spending review announcements and detailed policy will result in a fundamental different budget for 2011-12 onwards.
- 3.4 The underlying assumptions in the current medium term financial strategy were set out in the budget report to the Executive in July and have been updated for October. The resulting projected budget gap is set out in Table 1 below. This assumed that:
- a. A balanced budget would need to be primarily delivered through the delivery of the One Council programme.
 - b. 'inescapable growth' would be contained within a total contingency for growth of up to £7m per annum;
 - c. Council Tax would not be increased for four consecutive years

Table 1: Projected Budget Gap

	Cumulative budget gap (0% Council Tax each year):			
Year	2011-12 £m	2012-13 £m	2013-14 £m	2014-15 £m
<u>July Executive</u>				
Annual Saving	30.8	26.7	20.5	22.6
Cumulative Saving	30.8	57.5	78.0	100.6
<u>October Projections</u>				
Annual Saving	36.7	24.1	14.6	22.7
Cumulative Saving	36.7	60.8	75.4	98.1

- 3.5 The gap reported above is £5.9m higher in the October forecast than reported in July, principally because of further likely reductions in grant funding.
- 3.6 The figures shown above are based on a 0% Council Tax increase assumption on each of the next four years. Clearly when Government funding is falling year-on-year this exacerbates the gap and an alternative scenario based on Council Tax rises after 2011-12 would be:

Table 1: Projected Budget Gap with Council Tax Increase

	Cumulative budget gap (2.5% Council Tax each year from 2012-13):			
Year	2011-12 £m	2012-13 £m	2013-14 £m	2014-15 £m
<u>October Projections</u>				
Annual Saving	36.7	21.5	12.0	20.0
Cumulative Saving	36.7	58.2	70.2	90.2

4.0 General Fund revenue budget issues for 2011-12

Budget gap

- 4.1 Appendix B shows that the current net budget gap between forecast expenditure and resources for 2011-12 is £15.9m **after taking account of further savings of £20.8m generated through the 'One Council' Programme**. This figure is £8.7m **lower** than the £24.6m reported in July
- 4.2 The reasons for the change in the gap are

1. Increased savings from 'One Council (up from £6.2m to £20.8m);

2. A reduction in the anticipated level of government grant by £6.5m.
3. Yield from the Council Tax is increased by £0.6m as a result of an increase in the tax base.

4.3 Further measures that can be taken to reduce the gap are as follows:

- a. *Surplus/deficit carried forward from 2010-11:* The current budget gap assumes that there will be no surplus or deficit carried forward from 2010-11. Whilst the council's medium term financial strategy limits use of one-off funds to support on-going spending, the council has in the past used surplus balances to provide limited support to the budget. This amounted to £1.0m in the 2008-09 budget, £0.5m in the 2009-10 budget and was planned to be £1.4m in the 2010-11 budget. Although the 2010-11 budget is currently forecast to overspend (see para 3.2 above), officers are currently reviewing measures to bring it back into line to avoid any further call on reserves as such a call would be detrimental to the council's financial position in future years when financial pressures are expected to be considerably greater. Actions include a combination of eliminating projected overspends in individual service areas and identifying other measures to reduce spending in 2010-11.
- b. *Identifying additional savings:* As referred to above services are identifying actions as part of managing the budget for 2010-11. Where these are permanent changes this will provide ongoing benefit with full year effects to the budget position for 2011-12 and later years.
- c. *Central items:* Details of central items in the budget are included in Appendix C. The provision made in future years is still subject to fundamental review and updated information. Increases in these items include additional borrowing costs to fund the capital programme, a new 'tax' rise to meet the Carbon Reduction Commitment and continuing rises in the levy that the council pays to the West London Waste Authority reflecting principally the impact of land-fill tax.
- d. *Fees and Charges:* The budget currently assumes an increase in fees and charges of up to 10% for many services. Members will wish to consider some rises in specific areas.
- e. *'One Council' Programme.* The Programme, which succeeds the *Improvement and Efficiency Strategy*, was developed in 2010 to address some of the massive financial and service challenges facing Brent in future years. The full impact of the recession and its effect on public finances will become much clearer in the weeks leading up to the local government settlement. An incremental approach to budgeting is no longer sustainable and a priority-based approach is more relevant for the future. *'One Council'* is the blueprint to deliver the strategy over a 4 year period. It seeks a planned and rational approach to realistically recognising the scale and complexity of the change programme and the plan contains the key projects including 24 projects which are highly complex, largely cross-organisational and where there opportunities exist for high levels of

savings. A proportion of these savings will be realised in 2010-11 and 2011-12 and these will be factored into the budget to help ensure that a balanced budget is agreed.

Inescapable growth

- 4.4 The current medium term financial strategy approved in March 2010 contained a provision for inescapable growth for 2011-12 of £7.1m of which around £1.2m related to specific identifiable items.

Any new inescapable growth above this figure would increase the budget gap. Assessments of the sums involved are still being undertaken but it is clear that pressures in the following areas will have an impact in 2011-12:

- Looked after children - increase in numbers of following the “Southwark” and Baby ‘P’ judgements;
- Adult Social Care – increase the number of cases of young people transitioning into to adult care.
- Environment and Culture – significant decreases in income linked to the recession
- Housing Benefit – increase in caseload
- Issues arising from the spending review including a new Carbon Reduction tax of 12% of all carbon dioxide emissions by the authority.

Priority growth

- 4.5 The previous medium term strategy incorporated the allocation of performance reward grant to deliver council priorities. As this grant no longer exists any such growth will need to be considered alongside other competing demands.

Council tax increase

- 4.6 Members will recognise that the budget pressures faced by the council are of such magnitude that the delivery of the ‘*One Council*’ Programme is vital to contributing towards a budget which is affordable.
- 4.7 Although a council tax rise of up to 5% is permitted, government policy is to seek a freeze and to this end, a one—off grant, equivalent to the value of a 2.5% increase in 2010-11 (around £2.6m for Brent) will be paid to those authorities not applying an increase. Each 1% in council tax equates to approximately £1m of council spending and members should note that the failure to increase council tax over a number of years will erode the council’s underlying revenue position in the longer term.
- 4.8 The figures for council tax do not include the precept that will be set by the GLA. The Mayor will issue his consultation on the proposed GLA precept –

which covers the Metropolitan Police, London Fire and Emergency Planning Authority, and Transport for London, as well as the GLA itself – in December 2010 and his budget proposals will then go through a process of scrutiny by the Greater London Assembly. The final precept will be decided in February 2011. At this stage, the indications are that as in 2010-11, the Mayor will be seeking to freeze the GLA precept in 2011-2 and this is reflected in the figures for overall Brent council tax shown in Appendix B.

- 4.9 The level of council tax increase for the council is affected by the extent to which the council tax base has changed between 2010-11 and 2011-12 and the estimated deficit in the Collection Fund. The council tax base for Brent will be determined by the General Purposes Committee in January 2011 and the estimated deficit in the Collection fund will be determined by the Executive in December 2010. The assumptions in Appendix B are that the council tax base will increase by 1.25% and that the deficit in the Collection Fund will remain at 2010-11 level of £1.1m.

Government funding decisions

- 4.10 In December 2010, the government is expected to announce the Formula Grant, Area Based Grant and specific grants that the council will receive for 2011-12. Significant changes are expected with the loss of around 90% of all specific grants and the conversion of these to 'new' Formula Grant. This change, intended to allow more local discretion, will be combined with severe overall reductions in total funding leaving Brent with a considerable net shortfall when compared with the previous year.

Longer term position

- 4.11 The council reviews its spending requirements and associated resource projections, over a three or four year period. This ensures effective service development and resource usage and prevents the council from having to make significant adjustments to its spending plans each year. It is important therefore that when members consider budget issues, account is taken of their longer term impact including the impact of interest and other revenue costs arising from capital programme decisions. This also means recognising that the use of one-off resources, such as balances or one-off grants, whilst acting as a palliative in one year of the budget cycle, can cause problems in future years. It also means that where new growth is on-going, the resource implications in future years have to be considered.
- 4.12 The severity of the resource cuts implies that significant savings will need to be made, year on year, throughout the whole spending review period in order to close the resource 'gap' identified in section 3.
- 4.13 Further work needs to be carried out on the potential impact of demand and other growth pressures after 2011-12, the savings that will be delivered as part of the 'One Council' Programme and other projections through to 2014-

15. This work will be reflected in an up-dated medium term financial strategy which will be included in the budget report to Full Council in March 2011.

Activity levels and outcomes

- 4.14 Setting the budget is not just a financial exercise; it is the financial expression of the council's priorities and the means by which the council delivers its services within Brent. In addition, budget discussions are often confined to spending growth or savings proposals and do not focus on how the rest of the core budget (the 95% or more not affected by growth or savings).
- 4.15 However, the fundamental changes and reductions in funding announced in SR10 require an equally fundamental rethink of the council's core purpose and priorities and a reallocation of resources accordingly. The council's performance and finance review monitoring system enables members to focus attention on the activities that the budget supports and the performance of those activities. The process for setting performance targets and levels of activity the budget can sustain will be incorporated within the 2011-12 budget report.

5.0 Schools Budget

- 5.1 The introduction of the Schools Budget from 1st April 2006 represented a fundamental change to the way in which councils' budgets are constructed. Previously, schools' spending was part of the overall council budget, and was funded from Formula Grant and council tax. From 2006-07, schools' spending was funded directly from a Dedicated Schools Grant which is ring-fenced and does not appear as part of the council's overall budget requirement. The result is that for 2010-11, £199.2m of the council's spending is through the schools budget and is treated separately from spending on other General Fund services. Schools are also allowed to build reasonable levels of reserves which are also ring-fenced.
- 5.2 The government announced in the Spending Review that schools spending was a priority area although overall Department for Education (DfE) funding fell by almost 11%. Key policy objectives included pupil premiums, academies and free schools and once again, the radical nature of the Coalition's objectives means that until funding for 2011-12 onwards is announced, forecasting the level of the DSG for Brent for 2011-12 is problematic. Key policy areas include:
- **Distribution of the £2.5bn Pupil Premium:** this new specific grant is to be targeted on pupils from deprived backgrounds. The Government consulted on a number of methods for allocating this funding and most commentators are currently of the opinion that free school meals will be the final allocation basis. The Government also announced early on that it wanted to take into account the level of deprivation based funding local authorities already received through other funding streams such as the DSG before setting what would probably be a differential Pupil Premium

rate for each local authority. Until the Department for Education releases detailed models regarding this it is not possible to predict the financial impact on Brent from the introduction of the Pupil Premium.

- **Grant mainstreaming:** the Government has announced that a large number of school related grants such as the Standards Fund are to be mainstreamed into the overall DSG. Once again depending upon how the detailed calculations are done it is not possible to predict the level of the DSG with the added in mainstreamed grants for 2011-12.
- **Academy Funding:** the Government is currently reviewing the method of calculating the level of funding transferred from a local authority to a newly formed Academy school. There is a potential for a local authority to lose significant amounts of its central education budget for each school that transfers to Academy status. Initial guidance provided by the DfE suggested that the amount transferred could be up to £900k per secondary school. However, the Government recognised that this methodology required urgent review and it is anticipated that a new methodology will be announced by 31 December 2010. In undertaking this review the Government announced at the outset that it did not want to introduce an Academy funding methodology that provided Academies with any financial advantage over local authority maintained schools.

5.3 Although it is not yet possible to forecast the DSG settlement for individual authorities SR10 did identify the level of funding available for education on a national level. The Schools Budget is set to increase by £3.6bn by 2014-15 with an annual increase of 0.1%. This includes the £2.5bn pupil premium. However after allowing for inflation and significant pupil number growth the funding per pupil available is forecast to reduce in real terms.

5.5 The council is required to consult the Schools Forum, which consists of representatives of the different schools sectors and includes head-teachers and governors, on allocation of the Schools Budget. The Schools Forum will be considering this at their meetings in December through to February. There is a requirement that the year on year increase in the central element of the Schools Budget (which includes Special Education Needs element and other areas) cannot be greater in percentage terms than the increase in funding delegated to schools, unless the Forum agrees a higher increase. A key issue that will need to be addressed is competing demands on the central element of the budget which will include pressure on the cost of pupils with special education needs, the need to increase funding for schools' capital works, and other legitimate charges to this budget.

5.6 Final decisions on the allocation of the Schools Budget will be taken by the Executive in February 2011.

6.0 Housing Revenue Account

- 6.1 The Housing Revenue Account (HRA) covers the activities of the council as landlord for approximately 9,000 freehold dwellings and 200 leasehold dwellings. The HRA is separate from the General Fund and is ring-fenced – i.e. HRA expenditure is met from HRA resources, which primarily consist of government subsidy (Housing Revenue Account Subsidy) and rents and not from council tax or other General Fund resources.
- 6.2 The rent increase for council dwellings takes account of the government's guidelines on convergence between rents charged by councils and Registered Social Landlords (mainly housing associations). In 2010-11, this resulted in an average rent increase of 1.09%.
- 6.3 The HRA forecast outturn for 2010-11 indicates a surplus of £0.5m, which is in line with the original budget.
- 6.4 At the time of drafting this report the government is yet to publish its draft HRA determination and HRA subsidy determination for 2011-12 but has announced a fundamental review to the Housing Revenue Account and subsidy system that could result in a fundamental change in the operation and funding of local authority controlled social housing in the future. Such changes are likely to include large reductions in government capitals funding for new homes and a move towards market rent levels to support future development needs
- 6.5 In addition, Brent has commissioned a review of its future ALMO arrangements in order to determine if this vehicle remains the best approach to delivering the council's housing priorities in future years. The review is likely to conclude in January 2011 and will take into account changes referred to in paragraph 6.4 above.
- 6.6 In February 2011 the Executive will decide on the rent increase to be applied in 2011-12. The HRA budget will be agreed by Full Council in on 28 February 2011 as part of its consideration of the overall council budget report.

7.0 Capital Programme

- 7.1 The capital programme is a four year rolling programme which is up-dated each year. The current 2010-11 to 2013-14 capital programme was agreed as part of the overall 2010-11 budget process in March 2010 and has been up-dated to reflect changes subsequently reported to the Executive. This includes accounting for slippage of previous years' spending into 2010-11 and the likely impact of any cuts announced by Central Government prior to SR10.
- 7.2 The capital programme for 2010-11 to 2013-14 currently reflects the priorities of the previous Corporate Strategy. The revised capital programme for 2011-12 will be up-dated to reflect new information on spending priorities arising from the new Borough Plan, revised asset management plans and any amendments required arising from the new departmental structures. The capital programme will also be extended to include the 2014-5 financial year.

- 7.3 The key challenges for the development of the capital programme are:
- a. To revisit the estimated sources of funding, taking into account:
 - the impact of SR10 which will not come clear until after the local government settlement has been announced, and
 - the continuing impact of the economic downturn on other contributions such as reduced levels of S106 Agreement monies arising from a slowing of major development projects.
 - b. The ongoing need to provide additional school places across the borough and address other school capital needs, particularly in light of the cancellation of the Building Schools for the Future (BSF) programme.

Within the SR10 announcement was a sum of £15.8bn of capital funding to provide:

- new school places in areas of severe demographic pressure,
- maintain the school estate, and
- to meet existing BSF commitments to rebuild and refurbish the remaining 600 schools within the programme.

Details of allocations of this funding will not be available until after the local government settlement has been announced, and as such the Council cannot assess the net impact of the loss of BSF.

- c. In the light of the above to ensure that the up-dated capital programme delivers the council's key priorities within the resources available.
- 7.4 The capital programme is currently based on the assumption that borrowing that falls on the General Fund will be at the level set out in the council's medium term financial strategy. This was agreed by Full Council in March 2010.
- 7.5 Such a strategy does increase borrowing costs each year at a time when revenue resources are falling leading to interest costs taking up an increasing share of total revenue resources. Members could decide to reduce that borrowing as a way of helping bridge the budget gap in 2010-11 and beyond through the reduction of borrowing costs as referred to in paragraph 4.3c. Achieving this would mean either reductions in capital programme spend or the identification of alternative funding sources other than borrowing from those already identified.
- 7.6 Borrowing levels currently included in the capital programme are as follows:

	2010/11 £000	2011/12 £000	2012/13 £000	2013/14 £000
Supported Borrowing	6,580	4,600	4,600	4,600
Unsupported Borrowing	26,301	6,467	6,714	6,699
Unsupported Borrowing – School Loan Scheme	38	0	0	0

Unsupported Borrowing – Self Funded	21,042	47,456	36,452	17,416
Total Borrowing	53,591	58,523	47,766	28,715

The elements of borrowing for which the costs are borne centrally and for which measures could be taken to reduce the revenue budget gap are the supported and unsupported borrowing. The borrowing costs from the School Loan Scheme and Self Funded elements of unsupported borrowing are met from the individual school and service revenue budgets respectively and reflect committed schemes for which there is budgetary provision.

In order to consider the potential to reduce the levels of borrowing incurred to fund the capital programme it will be necessary to first define the level of grant that will be made available via the local government settlement, the extent of other funding sources and contributions available and those schemes where there is a continuing commitment to fund or a statutory requirement to make provision. Members will then be able to consider the level of any funding gap arising, the total level of borrowing affordable to the General Fund revenue budget and the prioritisation of schemes within the existing 4 year capital programme and how that should roll into 2014/15.

The Local Growth White Paper published on 28th October 2010 includes a new system of Tax Increment Financing, which will enable local authorities to borrow against future increases in business rate revenues. This incentive for local authorities may provide an alternative means for funding elements of the capital programme and will be considered further as more information comes available.

8.0 Timetable

8.1 The timetable for finalising the 2011/12 budget is attached as Appendix D. The key dates are:

- release of the Mayor's consultation on the GLA budget in mid-December 2010;
- administration's draft proposals issued on 4 February 2011;
- GLA budget agreed in mid-February 2011;
- Executive decides recommendations to Full Council on budget at meeting on 15 February 2011;
- Full Council decides budget on 28 February 2011.

8.2 The Finance and Budget Overview and Scrutiny Committee will be scrutinising the budget at various stages of this process: prior to the administration's draft proposals being issued; after the proposals have been issued, with their discussions feeding into Executive consideration of the budget proposals on 15th February; and following the decisions of the Executive on 15th February, feeding into the Council budget debate. Last year the Budget Panel successfully involved a range of members in their meeting preceding the Executive's consideration of the budget proposals and the

intention will be to follow the same approach this year. This meeting has been scheduled for 10th February 2011.

- 8.3 Party Groups are also encouraged to invite the Director of Finance and Corporate Services to brief their members in advance of the budget decision making process.

9.0 Financial Implications

- 9.1 The report is entirely concerned with financial implications which have far reaching consequences for the council's services in future years.

10.0 Legal Implications

- 10.1 The council's Standing Orders contain detailed rules on the development of the council's budget. Some elements of these rules are required by the Local Authorities (Standing Orders) (England) Regulations 2001 but a number are locally determined.
- 10.2 In the case of the council's annual budget, including the capital programme, the Executive is required under the Constitution to present a report to Full Council setting out the financial position of the council, financial forecasts for the following year and their expenditure priorities. This report, together with the separate report on this agenda on the priorities of the administration, sets out the required information. There will be a debate on the issues raised herein and in the separate report, which will be conducted in accordance with Standing Order 44.
- 10.3 Following the First Reading Debate, a record of the debate will be sent to the Leader and to Chair of the Finance and Budget Overview and Scrutiny Committee. The Finance and Budget Overview and Scrutiny Committee will meet and produce a report setting out its view of the budget priorities and any other issues it considers relevant. This report will be submitted to each Executive Member and each Group Leader in order to inform budget proposal discussions. Prior to being agreed by the Executive, the Executive's budget proposals will be sent to members of the Finance and Budget Overview and Scrutiny Committee which will consider the proposals and submit a note of its deliberations and comments on the proposals to the Executive. The Executive will take into account the issues raised at the First Reading Debate and the note of the deliberations and comments from the Finance and Budget Overview and Scrutiny Committee in making its budget recommendations to Full Council.
- 10.4 The final proposals will be submitted by the Leader to a special meeting of Full Council for consideration and determination no later than 10th March in accordance with Standing Order 34. There is a statutory dispute procedure set out in Standing Order 25 to deal with circumstances where there is a disagreement between the Council and Executive on the budget proposals

but this only applies where the budget setting meeting takes place before the 8th of February.

11.0 Diversity Implications

11.1 Prioritisation and decision making as part of the budget process are tied into the council's corporate strategy, individual strategies and service development plans. The priorities within these reflect the council's commitment to tackling discrimination and disadvantage as part of its Comprehensive Equality Plan (CEP). In addition, services are required to carry out Impact Need and Requirements Assessments where it is considered that individual growth and savings proposals could have an equality impact. The impact of budget decisions is monitored through the council's performance monitoring systems. Members need to bear in mind the diversity implications of any proposals they put forward as part of the First Reading Debate.

12.0 Background Papers

- CSR Presentation (on this agenda)

13.0 Contact Officers

Clive Heaphy / Mick Bowden

Brent Town Hall

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CLIVE HEAPHY

Director of Finance and Corporate Services

FULL COUNCIL
22nd NOVEMBER 2010
FIRST READING DEBATE
BUDGET 2011/12 – 2014/15

I N D E X

Appendix A	2010-11 Council Budget
Appendix B	Financial Forecast 2011/12 - 2014/15
Appendix C	Analysis of Central Items - 2011/12 – 2014/15
Appendix D	Timetable for 2011/12

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2010/11 LATEST REVENUE BUDGET COMPARED WITH FORECAST OUTTURN

	2010/11 Original Budget	2010/11 Current Budget	2010/11 Latest Forecast	2010/11 (Under)/ Over Spend (3) - (2) £'000
	(1) £'000	(2) £'000	(3) £'000	(3) - (2) £'000
Service Budgets				
Finance & Corporate				
Resources/Central/BT	25,792	25,752	26,252	500
Children & Families	60,145	57,953	60,994	3,041
Environment & Culture	48,859	47,506	47,910	404
Housing & Community Care				
- Housing	27,665	26,018	26,091	73
- Adult Social Care	88,288	89,113	92,613	3,500
Sub-Total	250,749	246,342	253,860	7,518
Central Items				
Capital Financing Charges/Net				
Interest/Capitalisation adjustment	22,389	22,389	22,389	0
Inflation provision	300	300	300	0
Affordable Housing PFI	1,003	1,003	1,003	0
Other	1,500	1,482	1,482	0
Levies	10,576	10,576	10,576	0
Premature Retirement Compensation	5,344	5,537	5,337	(200)
Middlesex House/Lancelot Road	526	1,406	1,406	0
Remuneration Strategy	314	229	229	0
South Kilburn Development	600	600	600	0
Investment in IT	820	820	820	0
Insurance Fund	1,800	1,800	1,800	0
Civic Centre	1,668	1,668	1,668	0
Future of Wembley	350	350	350	0
Neighbourhood Working	850	850	850	0
Freedom Pass	1,532	223	0	(223)
One Council Programme	(4,365)	(2,787)	(2,787)	0
Performance Reward Grant	(2,000)	0	0	0
Performance Reward Grant Programmes	2,100	100	100	0
Council Elections	400	400	400	0
Buildings Schools for the Future	750	0	0	0
E-recruitment savings	(150)	(150)	(150)	0
Communications Review	(200)	(200)	(200)	0
Management Posts	(2,014)	294	294	0
Learning Skills	244	0	0	0
Positive Activities for Young People	369	0	0	0
Total Central Items	44,706	46,890	46,467	(423)
Area Based Grants	(28,578)	(26,355)	(26,355)	0
Contribution to/(from) Balances	(1,408)	(1,408)	(1,408)	0
Total Budget Requirement	265,469	265,469	272,564	7,095

Balances B/Fwd 31.03.2010	8,908	8,963	8,963
Contribution to/(from) Balances	(1,408)	(1,408)	(1,408)
TOTAL BALANCES	7,500	7,555	7,555
2010/2011 (Under)/Over Spend			7,095
Balances Carried Forward			460

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	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000
Service Area Budgets (SABs)					
Children & Families	60,145	58,263	58,263	58,263	58,263
Environment and Culture	48,859	48,859	48,859	48,859	48,859
Housing and Community Care					
- Housing	27,665	27,494	27,494	27,494	27,494
- Adults Social Care	88,288	88,288	88,288	88,288	88,288
Business Transformation	10,441	10,306	10,306	10,306	10,306
Central Units	8,738	8,065	8,065	8,065	8,065
Finance & Corporate Resources	6,613	6,613	6,613	6,613	6,613
Total SABs	250,749	247,888	247,888	247,888	247,888
Savings					
One Council Programme Savings	(6,729)	(27,590)	(41,368)	(50,644)	(50,644)
Total Savings	(6,729)	(27,590)	(41,368)	(50,644)	(50,644)
Growth for Service Areas					
'Inescapable' growth	0	7,086	13,382	19,407	25,407
Loss of Specific Grants	0	1,735	1,831	1,935	2,034
Inflation Provision	300	1,411	3,814	8,771	13,841
Performance Reward Grant	2,100	0	0	0	0
Total provision for growth	2,400	10,232	19,027	30,113	41,282
Other Budgets					
Central Items	51,035	58,384	61,135	64,018	66,683
Area Based Grant	(28,578)	(6,082)	(6,082)	(6,082)	(6,082)
Council Tax Grant	0	(2,600)	(2,600)	(2,600)	(2,600)
Estimated Performance Reward Grant	(2,000)	0	0	0	0
Contribution to/(from) Balances	(1,408)	0	0	0	0
	19,049	49,702	52,453	55,336	58,001
Total Budget Requirement	265,469	280,232	278,000	282,693	296,527
Plus Deficit on the Collection Fund	1,162	1,162	1,162	1,162	1,162
Grand Total	266,631	281,394	279,162	283,855	297,689
Scenario A - No Council Tax increase in 2011/12 and an increase of 2.5% in the following years (under Spending Review assumptions)					
Forecasted Budget Gap		(15,910)	(23,674)	(26,262)	(46,244)

	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	2014/15 £'000
Scenario B - Council Tax increases at 0%, 2.5% and 3.5% (under Spending Review assumptions)					
Budget Gap at 0%, 2.5% and 3.5% Council Tax Increase					
Reductions required to achieve council tax increase of 0% in each year		(15,910)	(26,254)	(31,504)	(54,225)
Reductions required to achieve council tax increase of 2.5% in each year		(15,937)	(23,624)	(26,144)	(46,057)
Reductions required to achieve council tax increase of 3.5% in each year		(14,913)	(21,509)	(22,862)	(41,533)
Note: Any increases above 0% in 2011/12 would result in the Council forfeiting it £2.6m per year Council Tax Grant. This loss of grant is reflected in the calculations.					

Formula Grant	164,489	162,500	149,667	148,851	139,706
The Formula Grant has been calculated based upon best estimates within the Spending Review					

SCENARIO A**Council Tax Calculation for Future**

Brent Council Tax Requirement 96,457 in 2010/11, 97,252 in 2011/12 and assuming 0.25% increase for future years.

	1,058.94	1,058.94	1,085.40	1,112.58	1,140.39
% Increase in Brent part of CT	0.0%	0.0%	2.5%	2.5%	2.5%

Balances

Balances Brought Forward	8,908	7,500	7,500	7,500	7,500
Underspends/(Overspends)	0	0	0	0	0
Contribution to/(Use of Balances)	(1,408)	0	0	0	0
Balances Carried Forward	7,500	7,500	7,500	7,500	7,500

ANALYSIS OF CENTRAL ITEMS 2010/11 -2014/15

	2011/12	2012/13	2013/14	2014/15
	£'000	£'000	£'000	£'000
Coroners Courts	240	245	250	255
LGA	61	61	61	61
London Councils	226	231	236	241
LGIU Subscription	20	20	20	20
West London Alliance	30	30	30	30
Park Royal Partnership	25	25	25	25
Copyright Licensing	20	21	22	22
External Audit	505	520	535	550
Corporate Insurance	340	360	380	400
Capital Financing Charges	25,484	26,019	26,615	27,215
Net Interest Receipts	(1,399)	(1,818)	(2,271)	(2,721)
Levies	12,295	13,336	14,441	15,341
Premature Retirement Compensation	5,478	5,615	5,755	5,895
Middlesex House/Lancelot Road	565	607	652	652
Remuneration Strategy	314	314	314	314
South Kilburn Development	1,500	1,500	1,500	1,500
Investment in IT	820	820	820	820
Insurance Fund	1,800	1,800	1,800	1,800
Civic Centre/Property Maintenance	1,868	2,068	2,268	2,468
Neighbourhood Working	850	850	850	850
Freedom Pass Scheme Growth	4,140	5,280	6,455	7,655
Affordable Housing PFI	1,159	1,188	1,217	1,247
Council Elections	100	100	100	100
Future of Wembley	350	350	350	350
Capitalisation adjustment	(600)	(600)	(600)	(600)
Building Schools for the Future	1,500	1,500	1,500	1,500
Positive Activities For Young People	369	369	369	369
Learning Skills Council Transfer	244	244	244	244
Other Items	80	80	80	80
TOTAL	58,384	61,135	64,018	66,683

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SERVICE AND BUDGET PLANNING TIMETABLE FOR 2011/12

Date	Action
July	First service and budget planning awayday
August	Service planning and budget guidance issued
August/ September	Work on formulating draft budgets
September	First stage budget meetings between F&CS and service areas
20 October	Comprehensive Spending Review announced
3-4 November	Second service and budget planning awaydays - issues to be considered as part of First Reading debate
October/ November	Continue to develop proposals for achieving 4 year budget targets
22 November	Full Council. First reading of Policy Framework and Budget
December	Schools Forum meets to agree funding formula and budget issues
13 December	Report to Executive on Performance and Finance Review 2010/11 – 2 nd Quarter
Early December	Second stage ' <i>star chamber</i> ' meetings
Up to January	Consultation with residents, businesses, voluntary sector, partner agencies and trade unions on budget proposals.
Mid December	Confirmation of the following year's funding from central government
Mid December	Release of the Mayor's consultation draft GLA budget
11 January	Budget Panel collects evidence and discusses 1 st interim report
January	Greater London Assembly considers draft consolidated GLA budget
End of January	PCG agree budget proposals to be presented to February Executive
Early February	Schools Forum meets to agree the recommended Schools Budget
9 February	Budget Panel receives budget proposals prior to the Executive. Discusses second interim report.
15 February	Executive considers and announces administration's final budget proposals, agrees fees and charges for the following year and agrees savings/budget reductions for the HRA budget report as well as the overall average rent increase.
Mid February	GLA budget agreed
Late February	Overview and Scrutiny receives the outcome of the Executive's budget report and agrees a final report
28 February	Full Council agrees budget

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Full Council
22 November 2010

Report from the Director of Legal and Procurement

Wards affected:
NONE

Changes to the Constitution

1.0 Summary

- 1.1 This report proposes a series of changes to the Council's Constitution arising out of the Council's departmental restructuring and other miscellaneous and incidental changes.

2.0 Recommendations

Members are asked to;

- 2.1 Agree the changes to the Constitution set out in **Appendix 1** in relation to the departmental structure changes.
- 2.2 Agree the delegation of functions to officers as set out in Part 4 of the Constitution attached as **Appendix 1**
- 2.3 Agree that the Borough Solicitor make such changes to the Constitution as are incidental to the changes set out in **Appendix 1**
- 2.4 Resolve that where the Council, Executive or Committee of the Council has delegated a function, decision, power or action to a Director and that Director no longer has responsibility for that matter under the terms of Part 4 of this Constitution (as revised by members), or the directorship no longer exists, such delegations shall with effect from 22 November 2010 be deemed to have been made to the Director who now has responsibility for the matters to which the delegation relates.

- 2.5 Agree the changes to the Constitution set out in **Appendix 2** in relation to contracts Standing Orders.
- 2.6 Agree the change to the membership of the Alcohol and Entertainment Licensing Sub Committees set out in **Appendix 3**
- 2.7 Agree the recent minor changes made to the Constitution by the Borough Solicitor using her delegated powers set out in **Appendix 4**

3.0 Detail

Changes to the Constitution as a result of the Departmental Structure Changes

- 3.1 The amendments to the Constitution are necessary to reflect the changes to the Council's departmental structure which were approved by the Executive on 11th August 2010. The changes to the Council's departmental structure were made to improve the efficiency of the Council's operations, to enable the Council to deal with the financial challenges it currently faces, to protect frontline services and to enhance the Council's capacity to deliver its' policies. The restructuring has resulted in the deletion and creation of various directorships and departments and changes to the functions and services managed by the new corporate directors. As a consequence of the structural changes, and the changes to officers' titles and roles, it is necessary to update the Constitution so as to ensure that it accurately sets out the arrangements and that the council's functions are delegated appropriately. References to the Directors and departments appear throughout the Constitution, and most particularly are described in Part 2 Article 13 and in Part 4. These are attached as **Appendix 1**. The changes to the delegations and the appointment of statutory and proper officers also appear in Part 4 of the Constitution and the detail is attached in **Appendix 1**. Changes to the constitution are a matter for Full Council and accordingly while the structure of the council has been changed by approval of the Executive, it is for members of Full Council to make changes to the Constitution and agree the delegation of functions.
- 3.2 There are also minor and incidental changes throughout the Constitution arising from the restructuring, such as changes to the names of Directors and other officer posts. To save the cost of attaching all the minor changes as an appendix to this report a full amended version of the Constitution has been made available to members at the Director of Legal and Procurement's Office in advance of this meeting. Members are asked to agree that the Director of Legal and Procurement be permitted to make these incidental changes.
- 3.3 During the course of Council business the Council, Executive and Committees of the Council have from time to time delegated a function, decision, power or action to a Director. Under the new arrangements some of the corporate directors' titles have changed such that the original post no longer exists, some posts have been deleted and others created. Furthermore in some cases the areas of responsibility have changed. In order that the delegations made by the Council and its committees remain valid and effective, members are asked to resolve that such delegations shall with effect from 22 November 2010 be deemed to have been

made to the Director who now has responsibility for the matters to which the delegation relates.

3.4 *Reasons for proposed change to Contract Standing Order 97*

The Council regularly places contracts for a range of repairs with contractors. Many of these contracts are classed as Low Value contracts. Officers consider that for certain categories of repair works it would be helpful to establish a list of contractors that have been assessed for financial standing, health and safety compliance, equalities, etc. and seek quotes only from these contractors for relevant Low Value Contracts for repairs. This would avoid the risk of either the Council contracting with contractors that have not been assessed for such matters or where they are assessed, avoid the delay in carrying out the assessment prior to contracting. The proposed amendment to Standing Order 97 allows for the establishment of a Small Works and Services Approved List and delegates to the Director of Legal and Procurement in consultation with the Director of Finance and Corporate Services the power to draw up rules for operation of the Small Works and Services Approved List. The amendments also make the use of the Small Works and Services Approved List mandatory for all relevant categories of repairs. The changes proposed which members are asked to agree are attached as **Appendix 2**.

Changes to the membership of the Alcohol and Entertainment Licensing Sub Committees

- 3.5 The Alcohol and Entertainment Licensing Committee comprises of 15 members, and the three sub committees are comprised of 3 members from that committee. The Constitution contains a clerical error in that it provides that membership of the sub committees can be drawn from the alternates of the main committees in addition to the members of the main committee. This is not the case in practice and there are sufficient members of the main committee to provide membership of the sub committees. The amendment proposed is set out in **Appendix 3**

Changes made under delegated powers

- 3.6 A minor change was made by the Director of Legal and Procurement under delegated powers to give effect to changes required by statute, made to remove ambiguity or inconsistency or where the changes were considered minor. In accordance with the Constitution these are now being reported to Full Council for agreement.
- 3.7 The Local Government and Housing Act 1989 requires that Standing Orders address the appointment of Political Assistants. The Standing Orders as drafted provide for such appointment but would benefit from being more specifically covered. The amendments made for which agreement is sought are set out in **Appendix 4**.

4.0 Financial Implications

4.1 There are no financial implications arising from this report.

5.0 Legal Implications

5.1 The legal issues are dealt with in the body of the report.

6.0 Diversity Implications

6.1 There are no diversity implications arising from this report.

7.0 Staffing

7.1 There are no staffing implications arising from this report.

Background Papers

Brent Constitution

Contact Officers

Should any person require any further information about the issues addressed in this report, please contact Kathy Robinson, on telephone number 020 8937 1368.

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Director of Legal and Procurement

APPENDIX 1

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)	Overall corporate management and operational responsibility (including overall management responsibility for all officers); provision of professional advice to all parties in the decision making process.
Director of Children & Families	Early years education, school places, <u>education and training provision for young people, childcare, special education needs, inclusive education, support for school improvement, ongoing teacher training and development, transportation to schools student support, and youth services, child protection, adoption, fostering, placements, adult and community education.</u>
Director of Finance and Corporate Resources <u>Finance and Corporate Services</u>	Chief Finance Officer functions, administration of the payroll and pensions, management of the superannuation fund, financial investments, financial management, <u>finance services, audit and investigations, corporate procurement revenues and benefits, accountable body functions (once accountable body status has been formally conferred), corporate property, premises management, risk, Risk management and insurance. Development of corporate HR policies, advice on HR policies and procedure, assistance with appointments and dismissals, handling appointments and dismissals where requested, consultation and negotiation with Trade Unions, the People's Centre, IT.</u>
Director of Housing and Community Care	All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services (including related environmental health functions),

	<p>liaison and transactions with Housing Associations and homelessness and housing strategy,.</p> <p>Statutory Director of Adult Social Services, adult social services, welfare services, community care, day centres, asylum in so far as it is not a housing matter, mental and other health matters, liaison and partnerships with the NHS, transportation to day centres etc, home helps, meals on wheels, grants to community and voluntary services and any other function listed in section 14 of Schedule 1 to the Social Services Act 1970 other than those to be exercised by the Director of Children and Families.</p>
<p>Director of Business Transformation</p> <p>Director of Regeneration and Major Projects</p>	<p>Development of corporate HR policies, advice on HR policies and procedure, assistance with appointments and dismissals, handling appointments and dismissals where requested, consultation and negotiation with Trade Unions, One Stop Shops, call centre, the peoples centre, I.T., service transformation and modernisation and all aspects of the development of a new Civic Centre.</p> <p><u>Regeneration, urban renewal, economic development, building new education facilities, statutory land use, planning, development and building control, street naming and numbering, strategic transport planning, housing regeneration, affordable housing development, corporate property, facilities and premises management, Civic Centre Programme.</u></p>
<p>Director of Environment and Culture</p> <p><u>Neighbourhood Services</u></p>	<p>Arts, — Arts, Libraries, museums, archives, Eenvironment, environmental health (other than in relation to private sector housing), highways and emergency operations, Brent transportation services, transportation, streetcare, refuse and street cleansing, parks, parking and open spaces, cemeteries and mortuariesy, planning, licensing, street trading, trading standards, health and safety, contaminated land, accident prevention and emergency planning, waste management and recycling, street lighting, CCTV monitoring, pollution control, food safety, pest control, land charges, building control, street naming and numbering, sustainability and sport and leisure, leisure centres, London 2012.</p>
<p>Director of Policy and Regeneration Director of Strategy,</p>	<p>Policy development, <u>strategic planning, improvement and efficiency programme, performance, partnership working, community safety, overview and scrutiny</u>regeneration, complaints, liaison with the Ombudsman.</p>

<u>Partnerships and Improvement</u>	
Director of Communications and Diversity <u>Director of Customer and Community Engagement</u>	Media relations, internal and external communications, consultation with residents and other service users including Area Consultative forums, <u>ward working and festivals</u> , design and corporate identity, filming in the Borough, translation, interpretation, development of corporate diversity policies and advice on diversity policies and procedure, <u>One Stop Shops</u> , call centre, <u>nationality service</u> , Registrar of Births, Deaths and Marriages, and Mayor's Office.
Borough Solicitor <u>Director of Legal and Procurement</u>	Legal services, elections, member services, committee services, Standards Committee, Freedom of Information Act s36 determinations, nationality service, registrar of births, deaths and marriages, corporate procurement.

Head of Paid Service, Monitoring Officer and Chief Finance Officer

13.3 The Council has made the following designations:

Post	Designation
Chief Executive	Head of Paid Service
Borough Solicitor <u>Director of Legal and Procurement</u>	Monitoring Officer
Director of Finance and Corporate Resources <u>Finance and Corporate Services</u>	Chief Finance Officer
Director of Children and Families	Director of Children's Services
Director of Housing and Community Care	Director of Adult Social Services

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. ~~This is set out in the Management Structure Chart in Part 4.~~

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 with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council or to the Executive 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) **Receiving reports**

The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

(e) **Conducting investigations**

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

(f) **Advising whether Executive decisions are within the Policy Framework and the Budget**

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

(g) **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.

(h) **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 with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council, or to the Executive 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 their opinion sufficient to allow their duties to be performed.

Conduct

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

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 Executive

Table 2 Functions where the Council has a choice of exercising them through either the Executive 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 Executive

Table 4 The Membership and Terms of Reference of the Highways Committee of the Executive

Table 5 Proper and Statutory Officer Provisions

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

RESPONSIBILITY FOR FUNCTIONS

1. General

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

- Full Council
- The Leader (although for the time being the Leader will not exercise executive functions alone)
- The Executive
- Individual members of the Executive (although for the time being individual members will not be exercising functions)
- Committees and sub committees of the Council or the Executive
- Joint committees
- Officers

Other persons so authorised where the law permits

1.2 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.

1.3 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive, which functions may (but need not) be the responsibility of the Executive ('Local Choice Functions') and which functions are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive. These Regulations have been amended from time to time and those amendments are reflected in this Constitution.

1.4 This Part of the Constitution and the Tables set out below describe whether the various functions of the Authority are 'Council functions' or 'Executive functions' and whether, in either case, those functions have been delegated by the Council in the case of Council functions, or the Leader in the case of executive functions, to a committee, sub-committee, joint committee, officer or other person or body.

1.5 Table 1 sets out the functions, listed in Schedule 1 to the Regulations (as amended), which cannot be the responsibility of the Executive 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 ~~Director of Environment and Culture~~ Director of Regeneration and Major Projects and/or the ~~Head of Planning~~ Assistant Director of Planning and Development 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 the responsibility of the Executive 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 Executive. Table 2 specifies whether, in Brent, they will be Executive or Council functions.

- 1.7 Table 3 sets out the functions which are not to be the sole responsibility of the Executive. 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 Executive..The Table describes the plans, policies and strategies, which form the Authority's Policy Framework and specifies what role the Executive will play in relation to those plans, policies and strategies. Essentially, the Executive 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 Executive will then be responsible for implementing them.
- 1.8 Table 4 sets out the functions to be exercised by the Highways Committee which is a committee of the Executive appointed by the Leader.
- 1.9 Part 5 of the Constitution describes the membership and terms of reference for the Council committees and sub-committees. These are:-
- Standards Committee
 - Standards (Initial Assessment) Sub-Committee
 - Standards(Review) Sub-Committee
 - Audit Committee
 - One Council Overview and Scrutiny Committee
 - Partnerships and Place Overview and Scrutiny Committee
 - Health Partnerships Overview and Scrutiny Committee
 - Budget and Finance Overview and Scrutiny Committee
 - Children & Young People Overview and Scrutiny Committee
 - Call-in Overview and Scrutiny Committee
 - General Purposes Committee
 - Pension Fund Sub-Committee
 - Senior Staff Appointments Sub-Committee
 - Staff Appeals Sub-Committees A and B
 - Schools Disciplinary Sub-Committee
 - Planning Committee
 - General Purposes Licensing Sub-Committee
 - Alcohol and Entertainment Licensing Committee
 - Alcohol and Entertainment Licensing Sub-Committees A, B and C
- 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. Any other function not otherwise specified in the Tables or elsewhere in this Constitution is the responsibility of the Executive, 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 Council's 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.
- 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 of the powers delegated to officers save where expressly prevented by law from doing so. The Chief Executive has delegated to him or her authority to exercise any of the Authority's functions (whether they are Council or Executive functions) in cases of extreme urgency provided that he or she is not precluded by law from doing so. The Chief Executive shall also have 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 executive appointed to achieve a quorum.
- 2.4 The Chief Executive, directors and other officers listed below shall have responsibility for the following general and related areas:-

(a) **Chief Executive:**

Head of Paid Service, overall corporate management and operational responsibility including overall management responsibility for officers, provision of professional advice to all parties in the decision making process.

(b) **Director of Children and Families:**

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 and learning support services, youth and connexions, Brent transport services, family support, teacher recruitment and assessment, education and children's finance, marketing and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Education Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people, adult and community education

(c) **Director of Housing and Community Care:**

All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services

(including related environmental health functions), liaison and transactions with Housing Associations, homelessness and housing strategy,

Statutory Director of Adult Social Services, health, adult physical disability, Brent Learning Disability Partnership, Brent Mental Health, services to older people, emergency duty team, asylum in so far as it is not a housing matter, ~~[corporate elders strategy]~~, public health promotion, voluntary sector support service, ~~[adult and social care finance ?]~~, adult health and social care complaints, home help, meals on wheels, welfare services, community care, and day centres and any other function listed in section 14 and Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Director of Children and Families.

(d) ~~Director of Policy and Regeneration~~ **Director of Strategy, Partnerships and Improvement:**

Policy development, strategic planning improvement and efficiency programme, partnership working-regeneration, community safety, overview and scrutiny, complaints, liaison with the ombudsman-

(e) ~~Director of Environment and Culture~~ **and Neighbourhood Services:**

Environment, environmental health (other than in relation to private sector housing), highways, Brent tTransportation Services, transportation, streetcare, refuse and street cleansing, parks, parking and open spaces, cemeteries and mortuaries, ~~planning~~, licensing, street trading, trading standards, health & safety, contaminated land, accident prevention and emergency planning, waste management and recycling, street lighting, CCTV monitoring, pollution control, food safety, pest control, land charges, ~~buildings control, street naming and numbering, sustainability and~~ sport and leisure, leisure centres, arts arts, libraries, museums, and archives, London 2012.

(f) ~~Director of Finance and Corporate Resources~~ **Finance and Corporate Services:**

Chief Finance Officer, section 151 officer, administration of the payroll and pensions, management of the superannuation fund, financial investments, financial management, finance services, insurance and risk management, and risk management, audit and investigations, corporate and strategic procurement, revenues and benefits, accountable body functions (once accountable body status has been formally conferred), ~~property and premises management~~, IT, HR including the development of corporate HR policies, advice on HR policies and procedure, assistance with appointments and dismissals, handling appointments and dismissals where requested, the peoples centre, consultation and negotiation with Trade Unions, People's Centre

(g) ~~Director of Business Transformation~~ **Regeneration and Major Project:**

Regeneration, urban renewal, economic development, building new education facilities, statutory land use, planning, development and building

control, strategic transport planning, street naming and numbering, housing regeneration, affordable housing development, corporate property, facilities and premises management, Civic Centre Programme

~~Service transformation and modernisation, one Stop Shops and call centre service, IT, HR including the development of corporate HR policies, advice on HR policies and procedure, assistance with appointments and dismissals, handling appointments and dismissals where requested, consultation and negotiation with Trade Unions, all aspects of the development of a new civic centre.~~

(h) ~~Director of Communications and Diversity~~**Director of Customer and Community Engagement:**

Media relations, internal and external communications, consultation with residents and other service users including Area Consultative Forums, ward working and festivals, design and corporate identity, filming in the Borough, translation and interpretation, member training and development, development of corporate diversity policies and advice on diversity policies and procedures, One Stop Shop, call centre, nationality service, Registrar of Births, Deaths and Marriages, and Mayor's Office

(i) ~~Borough Solicitor~~**Director of Legal and Procurement:**

Chief legal officer; monitoring officer; sealing of deeds; issuing, defending, settling legal proceedings; entering contracts, agreements, deeds and other transactions; standards and probity; issuing notices and orders; certification of documents, electoral services, committee services, member services, legal services, qualified person for section 36 Freedom of Information Act 2000 determinations, nationality service, registrar of births, deaths and marriages~~corporate and strategic procurement.~~

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 Executive (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.	

<p>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>	<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 Director of Finance and Corporate Resources <u>Finance and Corporate Services</u>.</p>
<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>	<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 estimated at the commencement of any procurement process to exceed £500k in respect of services or supplies or £1million in respect of works, such value to be aggregated over the life of the contract (including any possible extension) then:-</p> <p>(i) no expressions of interest shall be invited without the prior approval of the Executive (or in the appropriate cases the General Purposes Committee);</p> <p>(ii) no contract, agreement, deed or transaction shall be</p>

	<p>awarded, entered into or terminated without the prior approval of the Executive (or in appropriate cases the General Purposes Committee); and</p> <p>(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 Executive (or in appropriate cases the General Purposes Committee) in accordance with Standing Orders 88(b) and 89(vi).</p> <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 Executive 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 £500,000.</p> <p>(d) the award of contract or approval of the agreement would not place 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 Director of Finance and Corporate Resources Finance and Corporate Services and in accordance with criteria adopted by the General Purposes Committee or the Pension Fund Sub-Committee.</p>
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	<p>(g) contracts in respect of the supply of energy through LASER may only be awarded by the Director of Finance and Corporate Resources <u>Finance and Corporate Services</u></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 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 £500k; 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>5. 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 Director of Finance and Corporate Resources <u>Finance and Corporate Services</u> 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 Director of Finance and Corporate</p>

	<p style="text-align: center;"><u>Resources</u>Finance and <u>Corporate Services</u>.</p> <p>(c) the Director of Finance and Corporate Resources<u>Finance and Corporate Services</u> 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 Director of Finance and Corporate Resources<u>Finance and Corporate Services</u>.</p>
<p>6. on the approval of the Borough Solicitor<u>Director of Legal and Procurement</u> 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>7. to obtain any necessary consent, authority, registration, licence, certificate, deed, notice, order or other similar document that the Council may require.</p>	
<p>8. 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 conditions limitations or exceptions as they may consider appropriate.</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 authorised by the Executive or the Council or their committees or sub-committees or any</p>

	<p>conditions, limitations or exceptions imposed or to be imposed.</p>
<p>9. 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 Director of Finance and Corporate Resources <u>Finance and Corporate Services</u>.</p> <p>(c) all such debts written off shall be notified to the Director of Finance and Corporate Resources <u>Finance and Corporate Services</u>.</p> <p>(d) the Director of Finance and Corporate Resources <u>Finance and Corporate Services</u> has not required the matter to be referred to him or her for consideration.</p>
<p>10. 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 Director of Finance and Corporate Resources <u>Finance and Corporate Services</u> 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</p>

	<p>approved by the Executive 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 Executive.</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>
<p>11. to create and/or register legal charges in respect of debts owed to the Council.</p>	
<p>12. to act as a receiver.</p>	
<p>13. to authorise or nominate other officers to act on their behalf in exercising any of their functions.</p>	<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 <u>Borough Solicitor/Director of Legal and Procurement</u>.</p>
<p>14. 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>	<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 <u>Borough Solicitor/Director of Legal and Procurement</u>.</p>
<p>15. to take up posts on outside</p>	<p>(a) only where it is related to their area</p>

<p>bodies or companies and appoint other staff to outside bodies or companies.</p>	<p>of work. (b) the prior advice of the Borough Solicitor/Director of Legal and Procurement should be obtained.</p>
<p>16. to act as an authorised signatory for the Council.</p>	
<p>17. 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.</p>	<p>(a) provided they were not the person who made the decision, the subject of the appeal.</p>
<p>18. to carry out works for, or to provide services or supplies to, or to exercise functions on behalf of other local authorities or bodies.</p>	<p>(a) where permitted by law. (b) subject to compliance with Contract Standing Orders and Financial Regulations.</p>
<p>19. 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.</p>	
<p>20. to determine any other minor issue, or make any minor modification or variation relating to a matter previously determined by the Executive 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.</p>	
<p>21. to respond to consultation papers from other bodies or local</p>	

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

(a) ~~Director of Finance and Corporate Resources~~ **Finance and Corporate Services**

Power to incur or prevent any expenditure, authorise borrowing within any limits approved by Full Council, issue instructions on any matter relating to budget preparation, budget monitoring or budget control, power to set and monitor accounting standards (including the use of accounting software), 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) ~~The Borough Solicitor~~ **Director of Legal and Procurement:**

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, exercise the powers of the Monitoring Officer and the qualified person for Section 36 Freedom of Information Act 2000 determinations.

2.7 ~~The Head of Property and Asset Management~~ **Assistant Director of Property and Assets** who is 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; delivering the annual Asset Management Plan has 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 Executive, 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 Director of ~~Finance and Corporate Resources~~Finance and Corporate Services 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 ~~Borough Solicitor~~Director of Legal and Procurement.

(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 Executive or Council:**

It is a function which may under this Constitution be exercised by the Executive and the Executive 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 Executive 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 Director of ~~Finance and Corporate Resources~~Finance and Corporate Services has been obtained or approval has been obtained from the Executive.

(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 Director of ~~Finance and Corporate Resources~~Finance and Corporate Services 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 Director of Finance and Corporate Resources, the District Auditor or the ~~Borough Solicitor~~ Director of Legal and Procurement.

(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 Directors may acquire and manage land and buildings and may grant easements, licences or leases of land and buildings provided that the land and buildings concerned are being used and will continue to be used for the purposes of their service area and provided that:-

- (a) the value of the interest in the land or building, as confirmed by the ~~Head of Property and Asset Management~~ Assistant Director of Property and Assets or a person nominated by him or her, does not exceed £20k in rental value per annum or, if acquired or granted at a premium does not exceed £50k in value; and

- (b) the interest is an easement, a licence or a lease and is for a term which does not exceed seven years less 2 days, and
 - (c) ~~The Head of Property and Asset Management~~Assistant Director of Property and Assets is consulted and gives prior approval to the terms of any transaction, and
 - (d) The terms of any interest granted are forwarded to the ~~Head of Property and Asset Management~~Assistant Director of Property and Assets, or a person nominated by him or her, to note on the Council's asset register.
- 4.2 No freehold land or buildings shall be disposed of by a director.
- 4.3 ~~The Head of Property and Asset Management~~Assistant Director of Property and Assets may acquire any interest in land or buildings for, or in connection with, any of the Council's functions and may dispose of or grant easements, licences or leases in respect of any land or buildings, except where the value of the interest in the land or building, in his or her view, exceeds £100k in rental value per annum or, if acquired, disposed of or granted at a premium, exceeds £300k in value.
- 4.4. Neither the directors or the ~~Head of Property and Asset Management~~Assistant Director of Property and Assets may sell or grant any lease or easement, licence or otherwise dispose of any land or buildings unless the consideration received, as confirmed by the ~~Head of Property and Asset Management~~Assistant Director of Property and Assets, 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.
- 4.5 Nothing in this paragraph 4 shall prevent the Director of Housing and Community Care 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.
- 4.6 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.
- 4.7 No person shall create or grant a service tenancy or service occupancy without the prior written approval of the Chief Executive.
- 4.8 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 Executive (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).
- 4.9 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 no members (including the Leader and members of the Executive) have authority 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 EXECUTIVE

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

<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>	

<p>13. Power to require the discontinuance of a use of land.</p>	<p>Section 102 of the Town and Country Planning Act 1990.</p>	
<p>14. Power to serve a planning contravention notice, breach of condition notice or stop notice.</p>	<p>Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.</p>	
<p>15. Power to issue an enforcement notice.</p>	<p>Section 172 of the Town and Country Planning Act 1990.</p>	
<p>16. Power to apply for an injunction restraining a breach of planning control.</p>	<p>Section 187B of the Town and Country Planning Act 1990.</p>	
<p>17. Power to determine applications for hazardous substances consent, and related powers.</p>	<p>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.</p>	
<p>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.</p>	<p>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.</p>	<p>N/A</p>
<p>18A. Power to issue a temporary stop notice</p>	<p>Section 171 E of the Town and Country Planning Act 1990</p>	
<p>19. Power to require proper maintenance of land.</p>	<p>Section 215(1) of the Town and Country Planning Act 1990.</p>	
<p>20. Power to determine application for listed building consent, and related powers.</p>	<p>Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	

<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>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 Director of Environment and Culture <u>Neighbourhood Services</u> 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 Licensing Sub-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>	

<p>11. Power to grant permits in respect of premises where amusements with prizes are provided.</p>	<p>Schedule 3 to the Lotteries and Amusements Act 1976.</p>	
<p>12. Power to issue cinema and cinema club licences.</p>	<p>Section 1 of the Cinema Act 1985.</p>	
<p>13. Power to issue theatre licences.</p>	<p>Sections 12 to 14 of the Theatres Act 1968.</p>	
<p>14. Power to issue entertainment licences.</p>	<p>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.</p>	
<p>14A. Functions related to alcohol and public entertainment licensing</p>	<p>Licensing Act 2003</p>	
<p>14B Functions related to gambling licensing, including the power to resolve not to issue a casino premises licence</p>	<p>Gambling Act 2005</p>	<p>Full Council in respect of the power to resolve not to issue a casino premises licence under section 166 of the Gambling Act 2005</p>
<p>15. Power to license sex shops and sex cinemas.</p>	<p>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.</p>	
<p>16. Power to license performances of hypnotism.</p>	<p>The Hypnotism Act 1952.</p>	

<p>17. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.</p>	<p>Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	
<p>18. Power to license pleasure boats and pleasure vessels.</p>	<p>Section 94 of the Public Health Acts Amendment Act 1907.</p>	
<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>Section 1 of the Scrap Metal Dealers Act 1964.</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>Director of Children and Families</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>Borough Solicitor <u>Director of Customer and Community Engagement</u></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>	

40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.	
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	
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.	
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)	
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	

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

<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 Director of Environment and Culture and Neighbourhood Services 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.	

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.		
EB. Functions relating to community governance		
1. Duties relating to community governance reviews.	Section 79 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive
2. Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive
3. Functions relating to terms of reference of review.	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007.	Full Council
4. Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007.	Full Council
5. Functions relating to making of recommendations.	Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007	Full Council
6. Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive in relation to section 93
7. Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive
8. Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007.	Chief Executive

RESPONSIBILITY FOR FUNCTIONS

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 Director of Environment and Culture and Neighbourhood Services or by a person nominated or authorised by him or her).
FA. Functions relating to smoke-free premises, etc		
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 Director of Finance and Corporate Resources <u>Finance and Corporate Services</u> 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 Assistant Director, Human Resources <u>People and Development</u>. In the absence of the Assistant Director Human Resources <u>People and Development</u>, or in the event a conflict arises, these functions shall be exercised by the Director of Finance and Corporate Resources <u>Services</u></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 Director of Environment and Culture-Neighbourhood Services 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>

5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.	General Purposes Committee
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.	General Purposes Committee
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.	General Purposes Committee
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.	
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.	
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.	

30. 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

<p>37. Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal).</p>	<p>Section 112 of the Local Government Act 1972.</p>	<p>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.</p>
<p>38. Power to make standing orders as to contracts.</p>	<p>Section 135 of the Local Government Act 1972.</p>	<p>Full Council</p>
<p>39. Duty to make arrangements for proper administration of financial affairs etc.</p>	<p>Section 151 of the Local Government Act 1972.</p>	<p>Director of Finance and Corporate Resources <u>Finance and Corporate Services</u></p>
<p>40. Power to appoint an officer for a particular purpose (appointment of "proper officer").</p>	<p>Section 270(3) of the Local Government Act 1972.</p>	<p>The Chief Executive or the relevant Chief Officer in whose area of responsibility the matter relates.</p>
<p>41. Power to make limestone pavement order.</p>	<p>Section 34(2) of the Wildlife and Countryside Act 1981.</p>	<p>N/A</p>
<p>42. Power to make closing order with respect to take-away food shops.</p>	<p>Section 4 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	<p>Director of Environment and Culture <u>Neighbourhood Services</u></p>
<p>43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.</p>	<p>Section 4(1) of the Local Government and Housing Act 1989.</p>	<p>Full Council</p>
<p>44. Duty to designate officer as the monitoring officer, and to provide staff, etc.</p>	<p>Section 5(1) of the Local Government and Housing Act 1989.</p>	<p>Full Council</p>
<p>44A. Duty to provide staff, etc to person nominated by the Monitoring Officer.</p>	<p>Section 82A(4) and (5) of the Local Government Act 2000</p>	<p>Full Council</p>

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).	Director of <u>Regeneration and Major Projects</u> <u>Environment and Culture</u>
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).	Director of <u>Regeneration and Major Projects</u> <u>Environment and Culture</u>
47A. Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.	<u>Director of Regeneration and Major Projects</u>
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	Director of Environment and Culture <u>Neighbourhood Services</u>
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	<u>Borough Solicitor</u> <u>Director of Legal and Procurement</u>
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	Director of Environment and Culture <u>Neighbourhood Services</u>

<p>53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.</p>	<p>Section 45(2)(b) of the Commons Act 2006</p>	<p><u>Borough Solicitor</u> <u>Director of Legal and Procurement</u></p>
<p>J. Other functions which are not to be the responsibility of the Executive</p>		
<p>1. Members allowances.</p>		<p>Full Council</p>
<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 EXECUTIVE FUNCTIONS AND THE PERSON OR BODY TO WHOM, IF ANY, THE FUNCTION HAS BEEN DELEGATED BY THE COUNCIL OR THE LEADER (INTHE CASE OF EXECUTIVE FUNCTIONS)

(1) Function	(2) Executive or Council Function	(3) Delegated to
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	If the function is a function, which is of a similar type, class or nature to the other functions of the Executive, the function will be an executive function. Otherwise the function will be exercised by the Council.	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.
2. The determination of an appeal against any decision made by or on behalf of the authority.	Council	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 or the Licensing Sub-Committee if the matter falls within its terms of reference.
3. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Executive	Director of Children and Families
4. The making of arrangements pursuant to section 94(1), (1A) and (4) of the 1998 Act (admissions appeals)	Executive	Director of Children and Families
5. The making of arrangements pursuant to section 95(2) of the 1998 Act (children to whom section 87 applies: appeals by	Executive	Director of Children and Families

RESPONSIBILITY FOR FUNCTIONS

governing bodies)		
7. Any function relating to contaminated land.	Executive	Director of Environment and <u>Culture</u> <u>Neighbourhood Services</u>
8. The discharge of any function relating to the control of pollution or the management of air quality.	Executive	Director of Environment and <u>Culture</u> <u>Neighbourhood Services</u>
9. The service of abatement notice in respect of a statutory nuisance.	Executive	Director of Environment and <u>Culture</u> <u>Neighbourhood Services</u>
10. 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	<u>Director of Environment and Neighbourhood Services</u>
11. The inspection of the authority's area to detect any statutory nuisance.	Executive	Director of Environment and <u>Culture</u> <u>Neighbourhood Services</u>
12. The investigation of any complaint as to the existence of a statutory nuisance.	Executive	Director of Environment and <u>Culture</u> <u>Neighbourhood Services</u>
13. 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 Executive if for the purposes of an Executive function.	The relevant director who has responsibility for the function in question.
14. 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 Executive if for the purposes of an Executive function.	The relevant director who has responsibility for the function in question.
15. The making of agreements for the execution of highways works.	Executive, unless the need for the highways agreement has arisen from a planning decision in which case the	Director of Environment and <u>Culture</u> <u>Neighbourhood Services</u> or Planning

	responsibility shall be with the Council.	Committee if it falls within the committee's terms of reference.
<p>16. The appointment of any individual –</p> <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>	The Council	In the case of a member of staff, the relevant director in 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>17. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	If the arrangement is in connection with a function of the Executive then the Executive 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.	In either case the relevant director within whose area of responsibility the function lies.
<p>18. Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to Local Area Agreements</p>	Executive	

TABLE 3

FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF THE EXECUTIVE

1. The Executive 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 Executive.		D

2. The Executive or a member of the Executive may not in relation to those plans or strategies listed above do the following:-
 - (a) give an instruction requiring the Executive to reconsider any draft plan or strategy submitted by the Executive for consideration by the Council;
 - (b) amend any draft plan or strategy submitted by the Executive for consideration by the Executive;
 - (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. The Executive 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 Executive 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 Executive 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 Executive.
8. In relation to the functions listed in paragraph 7 above the Executive 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 Executive then the Executive 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 Executive then the Executive may not authorise another person to exercise that function and nor may it revoke any such authorisation.

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

The committee is comprised of 5 members of the Executive appointed by the Leader.

Chair and Vice Chair

To be appointed by the Leader.

Quorum

3 Executive 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, public rights of way and off-street car and lorry 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 Director of Environment and Culture Neighbourhood Services considers should be referred to the Committee for a decision.

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:-

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

RESPONSIBILITY FOR FUNCTIONS

	provisions of the Local Government Act.	
Section 115 LGA 1972	Receipt of monies from accountable officers.	Director of Finance and Corporate Resources <u>Finance and Corporate Services</u>
Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Borough Solicitor <u>Director of Legal and Procurement</u>
Section 151 LGA 1972	Officer with responsibility for the council's financial affairs.	Director of Finance and Corporate Resources <u>Finance and Corporate Services</u>
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Democratic Services Manager
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.	Borough Solicitor <u>Director of Legal and Procurement</u>
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Borough Solicitor <u>Director of Legal and Procurement</u>
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 2.34 of this Part 4.
Section 238 LGA 1972	Certification of printed copies of by-laws.	Borough Solicitor <u>Director of Legal and Procurement</u>
Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the council.	Democratic Services Manager
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 in the borough.	Chief Executive

RESPONSIBILITY FOR FUNCTIONS

Section 72 Weights and Measures Act 1985	Functions of Chief Inspector of Weights and Measures.	Director of Trading Standards <u>Head of Trading Standards</u>
Section 114 LGFA 1988	Report to Council concerning unlawful expenditure.	Director of Finance and Corporate Resources <u>Finance and Corporate Services</u>
Section 2 LGHA 1989	Deposit of list of "politically restricted posts" under LGHA 1989.	Assistant Director, Human Resources <u>People and Development</u> .
Section 4 LGHA 1989	Head of paid service.	Chief Executive
Section 5 LGHA 1989	Monitoring officer.	Borough Solicitor <u>Director of Legal and Procurement</u>
Regulation 23 Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List.	Director of Finance and Corporate Resources <u>Finance and Corporate Services</u>
Accounts and Audit Regulations 2003	The responsible financial officer.	Director of Finance and Corporate Resources <u>Finance and Corporate Services</u>
Births deaths and marriages	Any reference to the proper officer in any enactment relating to registration of births, death or marriages.	Borough Solicitor <u>Director of Customer & Community Engagement</u>
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.	Democratic Services Manager
LGA 2000, section 81	Establishment and maintenance of the register of interests of members including voting co-opted members.	Borough Solicitor <u>Director of Legal and Procurement</u> -acting as Monitoring Officer
Local Authorities (Standing Orders) Regulations 2000	Notices under regulations 5 and 6 regarding proposed appointments of staff.	Assistant Director of Human Resources <u>Assistant Director, People & Development</u> .

RESPONSIBILITY FOR FUNCTIONS

Local Authorities (Referendums) (Petitions and Directions) Regulations	Functions relating to verification and publicity of petitions.	Chief Executive
Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	All references to the proper officer.	Democratic Services Manager 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	Director of Environment and <u>Culture Neighbourhood Services</u>
Section 36 FOIA 2000	Qualified person for decision on exempt information not to be disclosed	Borough Solicitor <u>Director of Legal and Procurement</u>
Regulation 4 LASSNHSCR 2009	All references to the responsible person	Director of Housing and Community Care
Local Democracy, Economic Development and Construction Act 2009 S31	To provide and support to overview and scrutiny committees	Director of Policy and Regeneration <u>Director of Strategy, Partnerships and Improvement</u>
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 29 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 Executive 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 44A & C of the Local Government Act 2000.
9	Adoption of the Members' Code of Conduct .	Section 51 of the Local Government Act 2000.
10	Approval of the appointment or dismissal of the Chief Executive.	The Local Authorities (Standing Orders) (England) Regulations 2001.
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	Power to resolve not to issue a casino premises licence and duty to publish the 3 year licensing policy statement	Sections 166 and 349 of the Gambling Act 2005
20	Any other matter that by law is reserved for consideration, approval or resolution by the Council.	

APPENDIX 2

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 Subject to Full EU Rules

Where a services (Part A services), supplies or works contract is above the EU threshold then Tenders shall be invited in accordance with European Procurement Legislation using the open, restricted, negotiated or competitive dialogue procedure by placing a notice in OJEU no later than any other advertisement placed in any other publication.

96. Contracts for Part B Services and Contracts not Subject to EU Rules

(a) Where a contract is for a Part B service or is below the EU threshold then Tenders shall be invited in accordance with:-

- (i) any requirements in the European Procurement Legislation relating to Part B Services if appropriate;
- (ii) these Contract Standing Orders; and
- (iii) the requirements of either (b) or (c) below.

(b) Single Stage Tender

Tenders shall be invited by way of public notice published in at least one local newspaper and at least one relevant trade journal 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.

(c) Two-Stage Tender

- (i) Expressions of interest shall be invited by public notice in at least one local newspaper and at least one relevant trade journal 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.
- (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 List

- (a) The Council has agreed the use of a corporate Approved List. The Borough Solicitor/Director of Legal and Procurement Department—in consultation with the Director of Finance and Corporate Resources/Finance and Corporate Services 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 Director of Legal and Procurement in consultation with the Director of Finance and Corporate Services 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.

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 a comparable pension and/or parent company guarantee and/or a performance bond;
 - (ix) form and contents of method statements, if any, to be provided;
 - (x) whether or not Tenders are to be submitted electronically;
 - (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;

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APPENDIX 3

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

Membership

- Each sub-committee shall be comprised of 3 members.
- All members and alternate members must be members ~~or alternate 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 a 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.

APPENDIX 4

Director, ~~Human Resources~~ People and Management 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 Assistant Director, ~~Human Resources~~ People and Management may proceed to give notice of the dismissal to the employee.

- (e) In the case of the dismissal of the Chief Executive the proposed dismissal must be approved at a meeting of Full Council before notice of dismissal is given.

80. Staff Appeals Against Dismissal

Appeals by members of staff 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) There shall be no more than one political assistant for each group that qualifies.
- (ii) Where a group does not qualify the group is prohibited from being allocated a political assistant.
- (iii) Parties must have at least 10% of the membership of the authority to qualify for a political assistant.
- (iv) On application of the rules the Labour Group and Liberal Democratic Group are allocated political assistants.