



**Brent**

**SUMMONS TO ATTEND COUNCIL MEETING**

**Monday 22 February 2016 at 7.00 pm**

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

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

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

CAROLYN DOWNS  
Chief Executive

Dated: Friday 12 February 2016

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

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:  
**democracy.brent.gov.uk**

**The press and public are welcome to attend this meeting**  
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# Agenda

- 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 personal and prejudicial interests and discloseable pecuniary interest in any matter to be considered at this meeting.

- 3 Mayor's announcements (including any petitions received)**

- 4 Appointments to committees and outside bodies and appointment of chairs/vice chairs**

- 5 Budget 2016-17 and Council Tax**

To consider the Council's budget and level of Council Tax for 2016/17.

A presentational issue has been identified in Appendix J(ii) with expenditure planned for Church End shown incorrectly for Chalkhill. This has been corrected with the revised Appendix. The intention for these funds to go to Church End is clearly shown in the minutes of the January 2016 cabinet meeting, and at Appendix J(i) of the Budget, which is summarised in the main report at paragraph 14.10.

- 6 Localism Act 2011- Pay Policy Statements** 15 - 28

The Localism Act 2011 requires England and Welsh local authorities to produce a pay policy statement on an annual basis. The purpose of this report is to inform Full Council of the arrangements that have been put in place in Brent Council to meet the requirements of the Act.

- 7 Future scrutiny structure** 29 - 36

This report proposes a new structure for the operation of the Scrutiny function in Brent.

- 8 Members Allowance Scheme** 37 - 60

This report proposes changes to the Members' Allowance Scheme which sets out the allowances Members are entitled to receive for carrying out their responsibilities.

- 9 Changes to the operation of Full Council meetings** 61 - 64

This report discusses a number of proposals to change the Council's Constitution to improve the opportunities for non Cabinet members and members of the public to participate in full Council meetings.

Appendix 1 to the report is to follow.

## **10 Changes to the constitution**

65 - 70

This report discusses a number of proposals to change the Council's Constitution including clarifying and amending the requirements of the Council's Forward Plan procedures; extending the right of call-in beyond key decisions; increasing contract values and the delegated powers of officers and renaming the Brent Connects Kilburn and Kensal area consultative forum.

## **11 Members' absence from meetings**

71 - 72

To consider the absence of a councillor from meetings of the Council since 27 November 2014

## **12 Urgent business**

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



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

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## LONDON BOROUGH OF BRENT

Minutes of the ORDINARY MEETING OF THE COUNCIL  
held on Monday 18 January 2016 at 7.00 pm

### PRESENT:

#### **The Worshipful the Mayor**

Councillor Lesley Jones MBE B.Ed MA

#### **The Deputy Mayor**

Councillor Parvez Ahmed

### COUNCILLORS:

Aden	Agha
Bradley	Butt
Carr	Chan
S Choudhary	Colacicco
Collier	Colwill
Conneely	Crane
Daly	Davidson
Denselow	Dixon
Duffy	Eniola
Ezeajughi	Harrison
Hector	Hirani
Hossain	Hylton
Kabir	Kansagra
Kelcher	Long
Mahmood	Marquis
Mashari	Maurice
McLeish	McLennan
Moher	J Mitchell Murray
Naheerathan	Nerva
M Patel	RS Patel
Pavey	Perrin
Shahzad	Ms Shaw
Ketan Sheth	Krupa Sheth
Southwood	Stopp
Tatler	Thomas
Van Kalwala	Warren

### **Apologies for absence**

Apologies were received from: Councillors Allie, Chohan, A Choudry, Farah, Hoda-Benn, Khan, Miller, W Mitchell Murray and Oladapo

1. **Procedural motion**

Councillor Warren moved a procedural motion to amend the seating plan. This was put to the vote and declared LOST.

2. **Minutes of the previous meeting**

Councillor Warren requested amendments to minute 15.2 – Crime in Brent

RESOLVED:-

that the minutes of the previous meeting held on 23 November 2015 be approved as an accurate record of the meeting subject to minute 15.2 showing a recorded vote on the decision to permit an additional speaker and a recorded vote on the motion (amendments incorporated).

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

None.

4. **Mayor's announcements (including any petitions received)**

The Mayor stated that since the last Full Council meeting on 23 November, she had been very busy attending events and functions throughout the borough and across London. She started off by wishing everyone a Happy New Year and good health for 2016.

The Mayor welcomed Councillor Chan to his first council meeting following his election in December.

The Mayor announced that a number of Brent residents had got the New Year off to a good start by being recognised in the Queen's New Year's Honours list.

The Mayor thanked all the Members who had attended her Christmas Party which raised a substantial amount of money for her charity - Brent Young Carers.

The Mayor reminded members of the Brent Holocaust and Genocide Memorial event being held on 27 January at 7.00pm in the Civic Centre.

The Mayor was proud to announce the celebration of Lesbian, Gay, Bisexual and Transgender (LGBT) History Month with an event open to employees, members and residents on 23 February.

The Mayor announced the celebration of *International Women's Day* on 8 March 2016.

The Mayor announced that she would be hosting a tour and lunch at the Swaminarayan Temple in Neasden on 18 February and a Quiz Night on 23 February in the Yellow Pavilion. Full details would be in the Members' Bulletin.

The Mayor stated that, in accordance with Standing Orders, a list of current petitions showing progress on dealing with them had been circulated around the chamber.

**5. Appointments to committees and outside bodies and appointment of chairs/vice chairs**

RESOLVED:

- (i) that Councillor Chan be appointed to Teachers JCC in place of Councillor Kelcher;
- (ii) that Councillor Kelcher be appointed to the North West London Joint Health Overview and Scrutiny Committee with Councillor Daly appointed as his substitute.

**6. Report from the Leader or members of the Cabinet**

There was no report to this meeting.

**7. Deputations**

Sergeant Thomas from the Harlesden Safer Neighbourhood Team addressed the meeting. She stated that in November/December there had been an increase in anti social behaviour from an influx of school children to the Harlesden area. This had been taken up with the Heads of local schools and increased patrols had reduced the problem but this was not a sustainable approach. The pedestrianised area was used as a playground by school children and at night this was made worse by street drinkers. She asked for action by the Council to improve the poor lighting around the subway, also to deal with the problem of the bus stop seating outside the Superdrug store which attracted street drinkers, and to allow limited access for cars to address the fact that the pedestrianised area had attracted anti social behaviour due to the lack of flowing traffic.

Councillor Denselow thanked Sergeant Thomas for her contribution and acknowledged the pressures the Safer Neighbourhood Team were under in trying to deal with the problems which were known about. A multi-agency action plan was in the process of being drawn up and he had discussed the street scape issues with Councillor Southwood (Lead Member for Environment). It had been agreed that improved lighting was needed. Councillor Denselow undertook to keep the Safer Neighbourhood Team informed of the actions being taken and offered to join a patrol of the area.

**8. Questions from the Opposition and other Non-Cabinet Members**

Councillor Carr asked what the case was for retaining the positions of Mayor and Deputy Mayor. Councillor Butt replied that the Mayor performed a civic duty chairing meetings of the Council and was first citizen of the borough, along with the deputy attending over 500 functions, raising money for charity and promoting the borough. The position was enshrined in legislation and he commented that the past Liberal Democrat/Conservative Administration had not removed the position during

its four year term. Councillor Butt added that some savings had been made in the running of the Mayor's office.

Councillor Colaccico asked if the aspiration to reopen the Dudden Hill freight line across Brent, for passenger trains from Old Oak Common, via Harlesden, Neasden and Gladstone Park to a new Thameslink station at Brent Cross could be renewed? She added that the modest number of existing freight trains could share the route with a four-trains-per-hour London Overground service, which had already been proposed by the London Mayor. The new service would provide a much needed orbital route for Brent, reducing car journeys from the new Brent Cross development and linking Jubilee and Bakerloo lines. Councillor Colaccico asked if the Council was lobbying Barnet Council to insist on space for London Overground platforms on the existing freight lines at any future Brent Cross Thameslink station. Councillor Southwood replied that she could re-assure Councillor Colaccico that use of the Dudden Hill line was part of the Council's vision and Barnet's support for this had been sought although there had not been a response on the proposals for any new station. Councillor Southwood accepted the point about passenger and freight being able to share the line and was prepared to restate the Council's position to Barnet Council.

Councillor Davidson referred to two recent government announcements that he felt were very good news for Brent residents:

- police budgets were now protected across London, including a 30% increase in counter-terrorism funding, and
- London Mayoral candidate, Zac Goldsmith, had delivered a £2.5bn London Housing Deal, doubling support for Help to Buy, massively expanding shared ownership, and guaranteeing two new affordable homes for every high value home sold. He stated that thousands of Brent residents would now have the opportunity to get onto the housing ladder. Councillor Davidson asked if there would be an apology to Brent residents for both the reckless scaremongering on police numbers and the Administration's inaction on housing. Councillor Butt replied that he would not be apologising given the cuts to police numbers, the further cuts still to be implemented and having just heard from the Harlesden Safer Neighbourhood Team that their resources were stretched beyond the limit. He stated that the residents of Brent were losing out as a consequence of the government's actions. Referring to the housing position, Councillor Butt asked how local people would be able to afford the new housing being promised and that only a Labour administration would deliver the social housing needed.

Councillor Harrison expressed concern over the government's continuous attacks on social and affordable housing which included:

- the forced sale of council homes,
- the forced sale of housing association homes,
- penalising tenants who earn too much,
- penalising tenants who earn too little through the benefits cap,
- penalising tenants when a child leaves home through the 'bedroom tax', and
- the uprating of what qualifies as 'affordable' – now at £450,000.

She asked what the impact would be of the government's latest announcements on housing for tenants, especially with regard to Old Oak Common and Park Royal. Councillor McLennan replied that she was concerned about the impact these measures would have on local residents. She stated that assistance for starter homes was a good thing but that the government's view on what this meant was far



removed from the Council's view. With average income in the borough of £32,000, down to £21,000 in some areas, people would not be able to afford homes at £450,000. She added that the government did not have any other options and so the Council was taking the initiative by building new homes itself.

Councillor Hylton stated that one in four people in the UK experienced mental health problems in a year, yet the government had no joined up plan. Whilst NHS funding was protected, local authority programmes were threatened by cuts. Meanwhile, the move from disability living allowance to personal independence payments had led to a cut in support to those who could have lived independently. For some this could result in a worsening of conditions leading to a need for medical help. She asked what the Council was doing for people with mental health conditions, given the chaotic state of government policy and how appropriate, less draconian employment support was provided. Councillor Hirani acknowledged the importance of this issue and referred to 'The Time to Change' pledge adopted by the Council. He stated that a key performance target for the Council was to do better than the national average for getting people with secondary mental health needs into work but that more needed to be done to support those with lesser mental health needs. The Council had joined The Mental Health Challenge and was raising awareness of the issues.

Councillor Kelcher asked what support would be offered to parents at Furness Primary School in Kensal Green ward, as they battled the head teacher's plans to convert the school to an Academy. Councillor Moher replied that the Council had already indicated that it would prefer to see the school remain as it was. She stated that she was willing to meet with parents to explain the current position. She noted that the consultation meetings had not been well attended but understood that the governors had submitted the application so unless they were willing to withdraw it, it was likely the school would become an Academy if the application was approved.

Councillor Maurice referred to the Civic Centre being designed so that people visiting it would use public transport as a more environmentally friendly option. This was based on the anticipation that the major bus routes would be diverted to pass in the vicinity of the Civic Centre. However, over two years later and there had been no change to the bus network except for two local routes. Councillor Maurice asserted that this was one of the reasons why the Library at the Civic Centre was underused. Although the bus network was managed by TfL he submitted that arrangements should have been made before the Civic Centre was opened or very soon afterwards. Councillor Maurice asked what was now being done to make the Civic Centre more accessible for people to attend by public transport. Councillor Southwood replied that firstly she needed to correct the claim that the library was underused when it was in fact the third most used public library in the UK. She added that TfL did not feel the need to provide additional buses to serve the Civic Centre and pointed to existing buses allowing access to the Civic Centre via Lakeside Way. Nevertheless the Council would continue to lobby for improvements to local public transport options and Councillor Southwood stated she would welcome the support of the opposition groups on this.

Councillor Stopp asked what the council was doing to protect its employees rights as they were being attacked by the government. Councillor Pavey replied that he agreed that the rights of employees were being threatened. He regarded the Trade Union Bill as a malicious attack on working people. He stated that the Council

would not use the powers proposed in the Bill to break strikes but would look to senior management to manage staffing situations. The Council wanted its workforce to reflect the local community and as a result of his review, a comprehensive package of support was being provided to promote equality in the workplace.

Councillor Tatler referred to the recent OFSTED inspection which highlighted improvements in children's services particularly in areas like adoption. She asked if this could be expanded upon by outlining what the inspection found, how the department would continue to make improvements in children's services and possible challenges it faced. Councillor Moher replied that she hoped members would read the inspector's report which presented an improved outcome from the previous inspection. The inspectors had agreed with the Council's self assessment and had commented favourably on some aspects of work. They found the Council was set on the right course for further improvement. However the need to restructure the department would present the challenge associated with losing experienced senior managers and continued efforts were needed to recruit social workers.

#### **9. Report from the Chair of Scrutiny Committee**

Councillor Kelcher acknowledged the responsibility he had to continue the good work undertaken by previous chairs of Scrutiny Committee. He saw this as ensuring that the policies of the Council reflected the needs of local people. He hoped to see more pre-scrutiny work undertaken. He referred to the latest two task groups to be established and invited any members interested in serving on them to contact the respective chairs. The legal duty to scrutinise health meant that more time was needed for scrutiny work and he hoped a new scrutiny structure would soon be approved. Councillor Kelcher stated that lessons had been learnt from the recent scrutiny of the budget and that the process would start earlier next year. He referred to the need for scrutiny to work independently from the executive and that he had discussed this with the Chief Executive.

#### **10. Backbench members' debate**

##### *Pavements and potholes*

Upon the Mayor submitting it to a vote it was agreed to suspend Standing Orders in so far as to allow a non cabinet members' debate to take place at the meeting.

RESOLVED:

That standing order 37 be suspended in so far as to allow a non Cabinet members' debate to take place at the meeting.

The Mayor reported that two items had been submitted for debate but one on the Housing and Planning Bill was the subject of a motion later on the agenda so the item on pavements and potholes had been selected. She explained that 20 minutes would be allowed for this item.

Members complained that they reported dangerous pavements and potholes but nothing was done and pointed to examples at Northwick Gardens and Stanley

Avenue. A further example was highlighted at Walm Lane/Brondesbury Park with both sides of the road and pavement in a poor and dangerous condition and the areas outside the shops in poor condition. It was submitted that the Council needed to work with shopkeepers and businesses to introduce improvements to the areas outside shops. The request was made for a review of the approach to agreeing a programme of repairs to ensure member involvement and clarity over the communication between contractor and ward member.

A point was raised regarding the narrowness of some pavements meaning pedestrians were sprayed with water by passing cars and caused difficulties for people in wheelchairs and using prams. It was also pointed out that there were poor facilities in some places for pedestrians to cross roads. A request was made for the introduction of additional 20mph zones and for potholes in bus lanes to be given priority.

Reference was made to the government's pothole fund which it was felt was beneficial but inadequate and the bidding process involved wasted time the view was expressed that Councils should be given an allocation so they could get on with making repairs. However an alternative view was that the government had been generous in allocating additional funding.

Members felt there was a need for a long term programme of repairs/resurfacing. It was felt that the Council needed to work with government and public agencies to move the issue forward. The request was made for action to be taken against vehicles parking on footways and damaging them. It was submitted that the issue was at the heart of a local councillor's work and it needed to be made a priority. Further examples of where attention was needed were given as Barratts Green Road, Stonebridge and Coles Green Road, Dollis Hill, Wyld Way and Tokyngton Avenue.

Councillor Southwood responded to the debate. She acknowledged how serious the issue was and that many areas needed improvement. She put the funding position into perspective by reference to how the Council had been able to upgrade 7km of footway during the last year out of a total of 847km in the borough. She stated that the Council faced extremely challenging times and agreed that councils should be given additional funds to deal with the problem. She drew attention to the Council's recently approved cycling strategy and that a walking strategy was to follow. Councillor Southwood agreed how much road and pavement works could improve an area pointing to examples in Kingsbury and Kilburn. She stated that she was committed to making town centres more pedestrian friendly and agreed that a long term strategy and a move away from patching was needed.

11. **By election result**

Noted.

12. **2014/15 Treasury Management Outturn**

Councillor Warren put forward a proposal to add a resolution that referred to the level of balances held by the Council including unspent grants and S106 contributions and criticising the non spending of these monies.

Councillor Pavey pointed out that the report before members was a treasury outturn report and that it was not an item under which it was appropriate to have a political argument about the Council's budget. Councillor Kansagra, whilst expressing some support for the sentiments of the proposed additional resolution, agreed that it was not appropriate at this time.

Councillor Warren requested a recorded vote on his proposal.

The vote was recorded as follows:

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Ahmed, Bradley, Butt, Carr, Chan, Choudhary, Colacicco, Collier, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Harrison, Hirani, Hossain, Hylton, Kabir, Kelcher, Long, Mahmood, Marquis, Mashari, McLeish, McLennan, Moher, Naheerathan, Nerva, M Patel, R Patel, Pavey, Perrin, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler and Thomas

ABSTENTIONS: The Mayor and Councillors Colwill, Kansagra and Maurice

RESOLVED:

that the 2014/15 Treasury Management outturn report, as seen by the Audit Committee and the Cabinet, be noted in compliance with CIPFA's code of practice on Treasury Management.

### 13. **2015/16 Mid Year Treasury report**

Councillor Pavey introduced the report circulated. He stated that the Council was in the early stages of developing a new investment strategy to ensure the best use of the Council's resources and the proper investment in new projects.

RESOLVED:

that the 2015/16 mid year Treasury report, as seen by Audit Committee and Cabinet, be noted.

### 14. **Changes to the Constitution**

Members considered the report informing them of changes to the officer scheme of delegations, contract standing orders and clarification of standing orders 78 and 79.

Councillor Warren proposed an additional resolution to delete standing order 13 and amending standing order 47(c).

Councillor Butt stated that members were in the process of reviewing the constitution and that suggested changes to standing orders could be put forward as part of that review rather than without notice at a Council meeting.

Councillor Warren requested a recorded vote on his proposal.

The vote was recorded as follows:

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Ahmed, Bradley, Butt, Carr, Chan, Choudhary, Colacicco, Collier, Colwill, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Harrison, Hirani, Hossain, Hylton, Kabir, Kansagra, Kelcher, Long, Mahmood, Marquis, Mashari, Maurice, McLeish, McLennan, Moher, Naheerathan, Nerva, M Patel, R Patel, Pavey, Perrin, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler and Thomas

ABSTENTIONS: The Mayor

RESOLVED:

That the changes to the Constitution marked up in Appendix 1 to the report submitted and the need to make consequential changes throughout the Constitution be noted.

15. **Brent Draft Development Management Policies Development Plan Document - Submission**

Members considered the report circulated which asked for consideration of the representations made at Publication stage, the recommended responses and to approve the draft plan with minor modifications.

The Mayor stated that she had been advised by the Chief Legal Officer that Councillor Warren was proposing an amendment to the recommendations contained in the report. As a result she had to advise Council that the Council's constitution was not well drafted on the operation of the First Reading Debate procedure in relation to the formulation of the Council's Policy Framework. The Chief Legal Officer had advised that if Council was minded to allow for the draft Development Management Policies to proceed on to the Planning Inspectorate, having been the subject of extensive consultation with residents, councillors and Planning Committee, then it should be made clear beyond doubt whether it was the wish of Full Council to refer the matter to the Scrutiny Committee. Officers recommended that to comply with the existing tight timescale, and acknowledging that it had been the subject of extensive consideration by both the Planning Committee and public consultation, Full Council should agree that the draft document be submitted to the Planning Inspectorate for Examination as recommended in the report.

The Mayor further explained that the draft document, which incorporated the outcome of consultation on the Inspector's modifications, would be considered afresh by Cabinet and formally considered for adoption by Full Council later in the year. Amended recommendations to the report were tabled.

Councillor Warren stated that the position put forward by the Mayor was as a direct result of his proposal, however he remained concerned that the matter had not been considered by Scrutiny Committee. He therefore wished to submit his amendment for the matter to be referred to Scrutiny Committee before being considered by Council.

Councillor Warren requested a recorded vote on his proposal.

Whilst recognising the role of Scrutiny Committee, it was pointed out that the matter had been considered by Planning Committee and had been subject to extensive consultation and so did not now admit of delay.

Voting was recorded as follows:

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Ahmed, Bradley, Butt, Carr, Chan, Choudhary, Colacicco, Collier, Colwill, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Harrison, Hirani, Hossain, Hylton, Kabir, Kansagra, Kelcher, Long, Mahmood, Marquis, Mashari, Maurice, McLeish, McLennan, Moher, Naheerathan, Nerva, M Patel, R Patel, Pavey, Perrin, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler and Thomas

ABSTENTIONS: The Mayor

Councillor Kansagra moved suspension of standing orders to allow the draft plan to proceed as set out in the revised recommendations.

Councillor Warren requested a recorded vote.

RESOLVED:

that, in relation to the operation of Standing Order 25, this debate be regarded as the First Reading Debate.

Voting on the above resolution was recorded as follows:

FOR: Councillors Aden, Agha, Ahmed, Bradley, Butt, Carr, Chan, Choudhary, Colacicco, Collier, Colwill, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Harrison, Hirani, Hossain, Hylton, Kabir, Kansagra, Kelcher, Long, Mahmood, Marquis, Mashari, Maurice, McLeish, McLennan, Moher, Naheerathan, Nerva, M Patel, R Patel, Pavey, Perrin, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler and Thomas

AGAINST: Councillors Davidson, Shaw and Warren

ABSTENTIONS: The Mayor

It was clarified that the draft plan would be submitted to Scrutiny Committee once it had been through the Examination process by the Planning Inspectorate.

RESOLVED:

- (i) that once the Brent Draft Development Management Policies Development Plan Document has been through the Examination process it be referred to Scrutiny Committee as part of the consultation on any modifications recommended by the Planning Inspectorate;

- (ii) that, in relation to the operation of the remainder of Standing Order 25, there shall be substituted as a process, that the document will next be considered by Full Council for adoption following the receipt of consultation responses on any modifications recommended by the Planning Inspectorate and a report from the Council's Cabinet;
- (iii) that the recommended responses to individual representations, as set out in the schedules attached as Appendix 1 to the report be agreed;
- (iv) that the draft Brent Development Management Policies Development Management Plan Document in Appendix 2 to the report, together with the schedule of proposed modifications as set out in Appendix 3 to the report, be submitted to the Planning Inspectorate for Examination;
- (v) that the Strategic Director, Regeneration and Environmental Services be authorised to agree any necessary changes to the document during the Examination process to facilitate the adoption of a sound Plan;
- (vi) that the draft Brent Development Management Policies be submitted to Full Council following consideration by the Cabinet of the Final Inspector's Report.

## 16. **Motions**

### 16.1 **Living Wage and Sadiq Khan**

Councillor Agha moved the motion circulated in his name by referring back to the original launch of the living wage campaign. He stated the Council had introduced the London living wage and how for employers it helped enhance the quality of the staff they attracted.

Councillor Warren moved an amendment to the motion which sought to criticise Sadiq Khan and overturn the motion in favour of Zac Goldsmith. He requested a recorded vote on his amendment.

Whilst expressing support for the living wage being as high as possible a view was submitted that the country had to be able to afford it. The criticism of Sadiq Khan was also endorsed. In support of the motion, it was put that the majority of people living in poverty were in work. It was pointed out that the Council was the first to offer a business rate reduction to those employers paying the living wage.

Councillor Warren's amendment was put to the vote and declared LOST.

Voting was recorded as follows

FOR: Councillors Davidson, Shaw and Warren

AGAINST: Councillors Aden, Agha, Ahmed, Bradley, Butt, Carr, Chan, Choudhary, Colacicco, Collier, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Harrison, Hirani, Hossain, Hylton, Kabir, Kelcher, Long, Mahmood, Marquis, Mashari, McLeish, McLennan, Moher, Naheerathan, Nerva, M Patel, R

Patel, Pavey, Perrin, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler and Thomas

ABSTENTIONS: The Mayor and Councillors Colwill, Kansagra and Maurice

RESOLVED:

- (i) that Council welcomes Sadiq Khan's announcement that, when he is elected Mayor, he will be working with employers to ensure that as many Londoners as possible can earn a real living wage of ten pounds per hour;
- (ii) that it be noted that Sadiq Kahn's approach to this issue echoes the Council's partnership with business where a business rates discount is offered to those employers who pay Living Wage - Sadiq Khan wants to put business at the heart of his administration;
- (iii) that Sadiq Khan's be applauded for the general approach he is taking of providing good jobs and training for Londoners by bringing different groups together: employers, unions, local authorities, colleges and civil society groups and Council particularly welcomes the reserving of new public sector contracts to those companies that pay a living wage, as in Brent;
- (iv) that this contrasts, sadly, with the current government's divisive approach of attacking a series of groups - as varied as trade unionists, the Scottish people or immigrants – in a bid to stoke up the votes of resentment - Sadiq Khan understands that only a Labour Mayor, who is open to working with all, can create opportunity for all and the Council looks forward to his election as London Mayor in May.

## 16.2 Housing

Councillor Kansagra moved the motion circulated in his and Councillors Colwill and Maurice's names. He submitted that the provision of homes transformed people's lives and that more needed to be built. The Government's new initiative would achieve this. It was submitted that the Government's announcement that it would build more homes and the potential for Old Oak Common was all good news which was not recognised by the Council. Councillor McLennan moved an amendment to the motion expressing concern that affordable was defined as costing £450,000 and seeking councils to be empowered to build homes. Councillor Kansagra indicated his acceptance of the amendment.

Councillor Warren requested a recorded vote on the amended motion.

The motion, as amended, was put to the vote and declared CARRIED.

RESOLVED:

- (i) that it is known that 90 percent of people aspire to own their own home and for many years now home ownership has been in decline and that eight biggest building firms accounted for 50 percent of the house building market;



- (ii) that the Conservative Government's decision to build up to 13,000 homes on five publicly-owned sites in 2016, up to 40 percent being affordable starter homes be welcomed, noting that one of the sites selected is the Old Oak Common;
- (iii) that the Council is concerned that "affordable" is being defined as any home costing up to £450,000, out of reach for the vast majority of Brent's first-time buyers and believes that the government's aspiration to increase opportunities for home ownership would be more easily realised if councils were also empowered to build, for example, through lifting the cap on borrowing against the Housing Revenue Account;
- (iv) that the Government's plan to directly commission and build these homes and involve small and medium sized companies be welcomed, noting that engaging with small and medium sized companies has been a key part of Brent Council's regeneration strategy under the current administration. The Council is pleased that the government is following suit.

Voting was recorded as follows:

FOR: Councillors Aden, Agha, Ahmed, Bradley, Butt, Carr, Chan, Choudhary, Colacicco, Collier, Colwill, Conneely, Crane, Daly, Denselow, Dixon, Duffy, Eniola, Ezeajughi, Harrison, Hirani, Hossain, Hylton, Kabir, Kansagra, Kelcher, Long, Mahmood, Marquis, Mashari, Maurice, McLeish, McLennan, Moher, Naheerathan, Nerva, M Patel, R Patel, Pavey, Perrin, Ketan Sheth, Krupa Sheth, Southwood, Stopp, Tatler and Thomas

AGAINST: Councillors Davidson, Shaw and Warren

ABSTENTIONS: The Mayor

### 16.3 **Listening Council ?**

Councillor Warren moved the motion circulated in his and Councillors Davidson and Shaw's names. The motion sought to recognise the green bin charge as a tax and to condemn the proposed new parking charges. It was suggested that the Council was not providing the services the residents wanted. The view was submitted that the parking charges would stop people visiting the borough and thereby actually reduce potential revenue. The Council was asked to reconsider the charges.

The motion was put to the vote and declared LOST.

## 17. **Urgent business**

### **Members' absence from meetings**

The Mayor submitted an urgent report and sought agreement to consider it on the basis that Councillor Oladapo had been unexpectedly re-admitted to hospital and was therefore unable to attend the meeting.

RESOLVED:

- (i) that Councillor Oladapo's absence from meetings of the Council since 27 November 2014 be approved on the basis of his ongoing ill-health and that the position be reviewed, if required, at Full Council in February 2016;
- (ii) that the Council's wishes for a return to good health be passed on to Councillor Oladapo.

The meeting closed at 9.25 pm

COUNCILLOR LESLEY JONES MBE B.ED MA  
Mayor

 <b>Brent</b>	<b>Full Council</b> 22 February 2016
	<b>Report from the HR Director</b>
For Information and approval	Wards affected: ALL
<b>Localism Act 2011 – Pay Policy Statements</b>	

## 1. Summary

- 1.1. Section 38 (1) of the Localism Act 2011 requires England and Welsh local authorities to produce a pay policy statement for on an annual basis. The Act does not apply to local authority schools.
- 1.2. The purpose of this report is to inform Full Council of the arrangements that have been put in place in Brent Council to meet the requirements of the Act. The Act requires the pay policy statement to be approved by a meeting of Full Council
- 1.3. The pay policy statement for the council is attached. The statement is consistent with the specific requirements of the Act detailed in the body of this report and sets out all the factual pay information in relation to those requirements. The Act requires the statement to be produced on an annual basis by the 31<sup>st</sup> March each year.

## 2. Recommendation

- 2.1. It is recommended that Full Council approve the draft Pay Policy Statement attached to this report as an accurate and factual representation of the council's pay arrangements for 2015/16 prior to consideration and approval by the Full Council in March 2016. Any amendments required during the year will be brought back to a future meeting of the Full Council and Full Council for approval.

## 3. Detail

### Requirements of the Localism Act 2012

- 3.1. The Localism Act 2011 sections 38-43 requires local authorities in England and Wales to publish a pay policy statement for each financial year beginning with 2012-13. This provision of the Act does not apply to staff in local authority maintained schools.

- 3.2. The Act sets out the matters which must be included in an authority's pay policy statement as follows:
- the remuneration of its "chief officers";
  - the remuneration of its "lowest-paid employees" (together with the definition of "lowest paid employees" adopted by that authority for the purposes of the statement, and the reasons for adopting that definition); and
  - the relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.
- 3.3. For the purposes of the statement the Act defines who is included under the term "chief officer". It includes the Head of Paid Services (Chief Executive, the Monitoring Officer, the statutory chief officers (directors) as well as non-statutory chief officers and deputy chief officers (managers who report directly to a chief officer).
- 3.4. Remuneration is also defined widely and includes not just basic pay/salary but also any bonuses, charges, fees e.g. election fees or allowances, benefits in kind, increases enhancements of pension entitlements and termination/severance payments. Remuneration in relation to employees who are not chief officers is also similarly widely defined.
- 3.5. The statement must set out the authority's policy on a number of specific aspects of chief officer remuneration:
- the level and elements of remuneration for each chief officer;
  - the remuneration of chief officers on recruitment;
  - increases and additions to remuneration for each chief officer;
  - the use of performance related pay for chief officers;
  - the use of bonuses for chief officers;
  - the approach to final payments to chief officers when they leave the authority; and
  - the publication of and access to information relating to remuneration of chief officers.
- 3.6. The policy statement must be published on the authority's website and in any other manner the authority considers appropriate. There is no requirement to include specific numerical data on pay and reward within the statement. However, it is necessary to consider how the information in the statement fits in relation to the information authorities are already required to publish. For example, The Local Government Transparency Code 2014.

### **Brent's Pay Policy Statement**

- 3.7. The policy statement for Brent has been prepared incorporating all of the above requirements. The statement is attached to this report. There are no new proposals or policy changes attached to the statement as the information reflects current practice and is strictly factual in nature.
- 3.8. The introduction to the statement refers to the HR Strategy 2014 -17 which sets out the overarching objective of having the right people, with the right skills, attitudes and experience, in the right place at the right time to enable the organisation to deliver on its corporate objectives and priorities
- 3.9. Brent's senior managers covered are those in the top three tiers in the management structure - the Chief Executive (Tier 1), Strategic Directors (Tier 2),

Operational Directors (Tier 3) and the Chief Legal Officer (which is the Council's Monitoring Officer is a Head of Service level post). This includes all statutory and non-statutory chief officer posts.

- 3.10. All references to terms and conditions in the statement are factual. Where appropriate a link to the relevant pay policy e.g. the council's pension arrangements has been included.
- 3.11. In keeping with the requirements of the Act the statement will be published on the Internet with links to pay policy and information where appropriate.
- 3.12. As set out in the summary to this report the pay policy statement must be approved by a meeting of the Full Council and published by the 31<sup>st</sup> March each year. The information the authority is required to publish is factual, based on the current pay arrangements. There are no proposals to make any changes to these arrangements. The Full Council at it's meeting in February 2016 will be requested to approve the Pay Policy Statement for the Financial year 2016/17 as required by the Localism Act.

#### **4. Financial Implications**

- 4.1. There are no financial implications arising from this report.

#### **5. Legal Implications**

- 5.1. The contents of the statement comply with section 38 of the Localism Act 2011. The approval of the pay policy will satisfy the technical requirements of section 39 of the Localism Act 2011.

#### **6. Diversity Implications**

- 6.1. There are no diversity implications arising from this report.

#### **7. Staffing/Accommodation Implications**

- 7.1. There are no staffing implications.

#### **8. Background Papers**

- 8.1. None

#### **Contact Officers**

Mildred Phillips, HR Director

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# **BRENT COUNCIL PAY POLICY STATEMENT**

**Financial Year 2016/17**

**April 2016**

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# BRENT COUNCIL PAY POLICY STATEMENT

Financial Year 2015/16

## Purpose

The council's pay policy outlines Brent's policy on pay and benefits for all employees (excluding Schools) and has been developed to meet the relevant statutory provisions of the Localism Act 2011.

The pay policy will be reviewed on an annual basis and any changes will be approved in advance of each new financial year.

The pay policy statement can be amended during the course of any financial year, but only by a resolution of the Full Council. If it is amended during the year to which it relates, the revised version of the statement will be published as soon as reasonably practicable.

## Strategic Context

The current and future pay and benefit arrangements are embodied in the council's HR Strategy for 2014/17 which reflects the Borough Plan priorities. The council's Borough Plan and Corporate Plan provide the strategic framework for the council's workforce and people priorities..

The overarching objective for the People Strategy is to have the right people, with the right skills, attitudes and experience, in the right place at the right time to enable the organisation to deliver on its corporate objectives and priorities.

Key strategic aims of the HR Strategy for 2014/17 are:

- Achieving organisational effectiveness and strong performance management
- Recruiting, retaining and rewarding a diverse, highly skilled and motivated workforce
- Valuing diversity and reducing inequalities
- Developing high performing managers and talented staff
- Building the professionalism and skills of the workforce to support service changes and deliver high quality outcomes for local people

The council is committed to being a good employer and maintain its excellent track record in employing a workforce which reflects the community. In order to recruit and retain a high quality workforce, the council will pay its staff at salary levels which will attract top performers. Since the move to the Civic Centre in 2013, significant inroads have been made into introducing new ways of working to support the relocation to new offices.

## **Review of Employee Benefits**

The council's pay arrangements and terms and conditions play a key role in enabling the council to fully realise its objectives and in ensuring the workforce is 'fit for purpose'. The council is committed to fair and equitable pay and benefits arrangements to maintain a flexible, talented and performance focused workforce. The council carried out an equal pay audit in April 2015 which revealed that the gender pay gap was negligible at 0.1%.

Last year as part of the review of HR policies and procedures the opportunity was taken to consolidate all the council's pay arrangements into a single policy document.

## **Council Pay Rates and Scales**

Pay scales are reviewed annually in line with the National Joint Council agreements and are effective from 1<sup>st</sup> April.

The following pay scales have been adopted by the council:

- GLPC Pay Scales (job evaluated) (main pay scales)
- Senior Manager Pay Scales (job evaluated) (senior managers)
- Soulbury Pay Scales (Education Psychologists, Advisors and Inspectors)
- Youth and Community Service Pay Scales (Young People's and Community Service Managers)
- Teaching Pay Scales (for centrally employed local authority teachers)

## **Remuneration of Senior Management (Chief Officers)**

The council defines its senior management as the top 3 tiers in the management structure. This includes all statutory and non-statutory Chief Officer and Deputy Chief Officer roles. It comprises the Chief Executive, strategic directors and operational directors.

Currently the pay, expenses and declarations of interest are published for the Corporate Management Team which comprises the Chief Executive and the strategic directors. The council appointed a new Chief Executive in September 2015 whose rate of pay is in accordance with the council's senior management pay rates.

The council may, in exceptional circumstances, employ senior managers under contracts for services. The council generally will aim to pay such individuals at a rate consistent with the pay of directly employed staff performing a comparable role although there may be circumstances where a higher rate is warranted over the short term.

## **Remuneration of Lowest Paid Employees**

The council defines its lowest paid employees as those staff paid on the lowest established grade and scale point which in Brent is Scale 2 spinal point 13 of the GLPC Pay Scales currently £17,748 per annum.

## **London Living Wage**

The council has implemented the London living wage. This rate has been applied to all staff who receive less than £9.40 per hour. This does not apply to apprenticeships.

## **Pay Multiple**

The 'pay multiple' is the ratio between the highest paid salary and the lowest/median average salary of the council's workforce. The council's highest paid employee is the Chief Executive. The current median salary is SCP 34 £31,368.

The current multiples are  
Lowest salary multiple is 1:11  
Median salary multiple is: 1:6

The council has not set a target for a maximum multiple. The pay multiple has remained relatively unchanged from 2015/2016. The council continues to pay the London living wage which has increased marginally. This also reflects capping of the Chief Executive's salary at £191,159 per annum.

## **Pay Grading**

Single Status was introduced in 2009 for staff on the main pay scales. Single Status introduced common job evaluation schemes and pay scales for the council's former

manual workers, administrative, professional, technical and clerical employees with the exception of education psychologists, nursery nurses, youth and community workers, chief officers and the chief executive.

Senior managers including chief officers have locally determined rates of pay which are linked to national negotiations for the determination of pay awards. A revised pay and grading structure for senior managers was introduced on 1<sup>st</sup> April 2013. The aim of the review was to reduce costs whilst ensuring the council's pay arrangements remained competitive.

Also in 2013 the council rationalised the terms and conditions for senior managers. Those senior management posts which fall within the JNC for Chief Officer definition are employed on JNC terms and conditions and all other senior managers are employed on NJC for Local Government Services terms and conditions with some local variations. The senior management posts which fall within the JNC definition are predominately the strategic directors, other directors with statutory responsibilities and HR Director. This means that the majority of senior managers have terms and conditions which are largely consistent with those for other staff. A number of changes were also made to the JNC for Chief Officer terms and conditions to bring them more into line with the terms and conditions for all other staff.

## **Local Conventions for the GLPC Job Evaluation Scheme**

Virtually all local authorities and organisations that use the GLPC Scheme have local conventions in place. Without local conventions, evaluators may interpret these terms differently – and hence gradings can be affected and consistency lost.

The council in March 2013 introduced local conventions to ensure that the scheme is applied consistently and fairly to all employees.

## **Public Health Transfer**

Following major changes to the public health system, responsibility for public health transferred to local authorities on 1 April 2013. Fifteen staff transferred into the council under NHS terms and conditions including pay. A Director of Public Health has been recruited on Brent terms and conditions.

## **Pay on Appointment**

All employees are normally appointed on the lowest pay spinal column point for their job evaluated grade. Employees may be appointed at a higher point, where they are

currently earning more than the lowest pay spine for the role and where it is considered that they already possess the skills and experience needed to justify such a higher salary.

The council delegates authority to the Senior Staff Appointments Sub-Committee to make recommendations to the executive on the appointment of all officers at operational director level and above.

## **Annual Pay Progression**

Brent's pay policy is primarily based on evaluated pay grades, which each have a salary range comprising a number of incremental points. Other pay grades are nationally prescribed and also have incremental progression arrangements. Most employees incrementally progress through the pay grade for their job. Progression will normally be one increment (pay spine column point) on the 1st of April each year until the top of the grade is reached for those on the main pay scales (separate arrangements apply during the first year of service where the start date is between 1<sup>st</sup> October and 31<sup>st</sup> March) and on the anniversary of joining for those on senior manager pay scales.

Pay progression is subject to satisfactory performance assessed during the annual appraisal process and can be withheld as a disciplinary sanction or where poor performance is being addressed.

## **Performance Related Pay and Bonuses**

Council employees including the Chief Executive and directors do not receive performance related payments or bonuses.

## **National / Regional Pay Agreements**

The council operates the national (JNC/NJC) and regional (GLPC) collective bargaining arrangements for pay and conditions of service for all employees, including senior managers. Pay is increased in line with national and regional pay agreements.

Details of the 2014/16 pay award agreement include:

- an increase of 2.2% for 2014/16 applicable from 1 January 2015
- higher percentage increases on SCPs 5 to 10 to provide a new minimum hourly rate at SCP5 of £7 per hour. This would increase further to £7.06 per hour on 1 October 2015 by the deletion of SCP5 (Brent Council does not pay any staff on SCP 5)
- non-consolidated lump sum payments of between £100 and £325 on SCP5 -25
- 0.45% of new salaries to employees on SCPs 26-49 inclusive

- a commitment to joint working for the future that would ensure the NJC was focused on issues of importance to both employers and employees.

The non consolidated payment was paid to eligible staff in December's salary. Only employees in post on 1 December 2014 were eligible for the payment, which was pro-rata for part-time employees. The pay award for 16/17 is yet to be agreed.

## **Market Supplements**

The council has phased out market supplement payments and has put in place employee benefits as part of the new benefits package to ensure the council remains competitive in the recruitment market. Currently there are only a small number of supplements in existence and these have planned end dates

## **Fees for Election Duties**

Election fees paid to employees (including chief officers) who assist in elections are in line with the rates agreed by the Government whenever general, regional or European elections occur. Where local elections occur fees will be determined using the cross-London agreed rates.

## **Pension**

All non teaching employees are able to join the Local Government Pension Scheme. Teachers are able to join the Teachers Pension Scheme. Benefits for both schemes are paid in accordance with government regulations. NHS employees who transferred to the council under TUPE have access to the NHS Pension Scheme.

## **Payments on Termination of Employment**

In the event that the council terminates the employment of an employee on the grounds of redundancy the terms of the council's redundancy and early retirement arrangements will apply. Termination payments will be subject to any caps introduced by the government.

## **Re-employment of Employees**

Section 7 of the Local Government and Housing Act 1989 requires that every appointment to paid office or employment in a local authority shall be made on merit.

The re-engagement of employees including chief officers who are made redundant is subject to the council's re-engagement arrangements (contained within the council's Managing Change Policy). The policy sets out the minimum period a former

employee must wait before being eligible to work for the council again, as well as outlining other restrictions.

Employees who are made redundant may not be re-engaged within twelve months of their termination of employment for reasons of redundancy. After twelve months the employee may be re-engaged via the normal recruitment procedures either to carry out the same work or a different job. Re-engagement is subject to the approval of the relevant Operational Director and HR Director.

## **Tax avoidance**

All permanent Brent staff including senior managers are paid through payroll which means that all taxes are deducted at source. A review of temporary staff is regularly conducted and it is Brent's policy to cover vacancies through the use of approved agency workers or by appointing staff on fixed term contracts. Temporary workers providing services through their own companies will be carrying out projects and generally not covering permanent roles other than in exceptional circumstances e.g. where interim cover is essential whilst a permanent appointment is recruited. Where these situations do occur they will be limited in duration, usually to less than 6 months.


## **Publication and access to information**

Brent's annual Pay Policy Statement will be published on the website where it can be easily accessed. Information about chief officers remuneration is published on the council's website [www.brent.gov.uk](http://www.brent.gov.uk) in the section Senior Staff Salaries.

For further information on the Council's Pay Policy, please email [Miteam@brent.gov.uk](mailto:Miteam@brent.gov.uk)

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 <p><b>Brent</b></p>	<p><b>Full Council</b></p> <p>22 February 2016</p> <p><b>Report from the Director of Performance, Policy and Partnerships</b></p>
For Action	Wards Affected: ALL
<b>Future Scrutiny Structure</b>	

## 1.0 Summary

- 1.1 This report proposes a new structure for the operation of the Scrutiny function in Brent. It considers the key principles that should inform the Council's approach to scrutiny activities; the role of Council departments and senior officers in supporting effective scrutiny and the resources available to ensure a robust approach is taken to both internal and external statutory scrutiny duties.

## 2.0 Recommendations

That Full Council:

- 2.1 approve the new scrutiny structure set out in the report for implementation in May 2016;
- 2.2 note that a review of scrutiny arrangements concerning strategic matters such as budget setting and policy formation will be the subject of a follow up report later this year; and
- 2.3 subject to recommendation 2.1, authorise the Chief Legal Officer to amend the Constitution to record the new scrutiny structure.

## 3.0 Detail

*The current scrutiny structure*

- 3.1 The purpose of the Scrutiny Committee, and the activities it commissions, is to enable all members who are not part of the Cabinet to engage with and influence the policy development and decision-making of the Council. This is achieved through scrutiny of the Council's performance and decisions, member-led investigations of local issues or community concerns and the scrutiny of other public agency services. The findings from scrutiny work are reported to the Cabinet for their consideration and response.
- 3.2 Scrutiny provides the opportunity for community involvement and democratic accountability led by elected members. Engagement with service users and with the general public helps to improve the quality, legitimacy and viability of recommendations made by the Scrutiny Committee to the Cabinet.
- 3.3 The Council's Scrutiny Committee plans and co-ordinates scrutiny activity covering all aspects of Council services as well as the statutory responsibilities with regard to Health Scrutiny and partnership activity. The Scrutiny Committee meets 10 times during the year and is also responsible for hearing any call-ins of key decisions. The Committee consists of fourteen members comprising eight Councillors, four voting education co-opted members and two non voting co-opted members.

The role of the Scrutiny Committee is to:-

- Hold the Cabinet to account for their decisions.
  - Support policy development through commissioning member-led investigations of issues affecting the community or borough.
  - Provide scrutiny of external public services, including health services.
  - Review and monitor performance to ensure continuous improvement.
  - Receive call-in of key decisions, public petitions and community calls to action.
- 3.4 Scrutiny activities are not limited to the members of the Committee and all elected members can and should participate in time-limited reviews of local issues and services. Meetings of the Scrutiny Committee are open to the public, but other evidence gathering and review work can take place in a variety of informal local and community settings. Meetings of scrutiny task groups are frequently attended by other partners, local residents and service users as part of the process of gathering evidence.

### ***External Scrutiny***

- 3.5 The Scrutiny Committee may undertake external scrutiny of other organisations who provide local services. The Council has a statutory power to scrutinise local health provision and also crime and disorder functions. This can be through requesting information from other public agencies or by asking them to attend a meeting of the Committee for questions. Members can also investigate any issue that is affecting local communities or the borough. External scrutiny is an area in which real value can be added, enabling members to explore issues of public concern and take the lead on behalf of their community.

## ***Principles for scrutiny***

- 3.6 Scrutiny provides councillors with the opportunity to question Cabinet Members, officers and others in order to gain knowledge around an issue and make effective, evidenced-based recommendations. It also enables members to represent the views of their local constituents and to provide community leadership.

The principles of effective scrutiny are:-

- Being Member-led.  
The Scrutiny Committee determines its own work programme and decides what evidence to seek. Members take an active role in the scrutiny process, for example by going on visits, taking part in consultation activities with service users, residents and discussions with local organisations.
- A consensual approach.  
Effective scrutiny works towards developing a consensus-based view of the service or issue under consideration, focussed on the needs of service users and residents.
- It is evidence based.  
Scrutiny should take evidence from a wide and balanced range of sources in order to develop a rounded view of the issues under consideration. Recommendations made by scrutiny should be firmly supported by the evidence gathered.
- Provide constructive challenge.  
Good scrutiny should foster a style of constructive challenge with officers and other witnesses, enabling sharing of views in an open and positive manner.

## ***Impact of the Single Scrutiny Structure***

- 3.7 The purpose of moving to a single Scrutiny Committee meeting on a frequent basis was to enable a more consistent, holistic and streamlined approach to all scrutiny activities commissioned by a single committee. The introduction of a single committee to replace the previous four themed scrutiny committees also made a considerable saving in terms of member allowances. Prior to May 2014 each scrutiny committee had a chair, vice-chair and six members with respective allowances. The annual potential cost of each committee was £38,020 in member allowances, making a total for the whole scrutiny function of potentially £152,080. The current cost of member allowances for a single scrutiny committee is potentially £36,190 making a potential saving of £115,890 on the previous model. These costings are maximum potential costs only as members already in receipt of a special responsibility allowance would not be entitled to a second special responsibility allowance for their scrutiny role. The costings nonetheless provide a useful illustration of the indicative costs implications.

- 3.8 It was considered that operating separate scrutiny committees produced a fragmented approach to scrutiny with each committee developing its own work programme which did not always reflect the cross-cutting aspects of complex policy issues. It was also felt that a single committee would be a more effective use of the finite officer resources available to support scrutiny given the pressure on resources.
- 3.9 However after nearly two years of operating the single Scrutiny Committee structure, the anticipated advantages have not outweighed the logistical issues of monthly meetings and has resulted in a concentration of scrutiny activities into a relatively small group of members and officers.
- 3.10 Having one committee responsible for all scrutiny activities has meant that the committee has not developed in depth specialism and understanding of services or key policy agendas. With a wide variety of issues being considered at each meeting the agendas can be incoherent and this makes it difficult to develop continuity on specific subjects or issues between committee meetings.
- 3.11 In particular the move away from themed committees has resulted in less active engagement of service areas in working constructively with scrutiny members as there is less perceived ownership of one corporate Scrutiny Committee. This has both distanced service departments from scrutiny and meant that less members overall are actively engaged in debate and discussion on the policy issues and performance of Council services. In practice the current model means that only eight members are actively engaged in scrutiny discussion on a regular basis (although other members who are not part of the formal scrutiny committee do contribute to task groups). Previously around 30 non-executive members regularly contributed to a scrutiny committee at least once a quarter.
- 3.12 The single Scrutiny Committee model has also impacted on the development of a productive scrutiny relationship with statutory partners, particularly in relation to the duties of the Council to scrutinise the provision of local health services and partnership work on community safety. It has proved difficult to accommodate a consistent work programme on health issues, children's services and adult social care within the single work programme. This has limited the development of an in depth understanding of these complex and critical service areas, which was noted in the findings of the recent Ofsted inspection of Brent's Safeguarding and Looked After Children's services.
- 3.13 The disadvantage of a single Scrutiny Committee structure could not necessarily have been foreseen. Brent is still the only Council in London to operate a single scrutiny committee structure, although three others have a main committee with themed sub-committees. However as the Council enters the next phase of change with the development of the Brent 2020 Vision and the programme of outcome based reviews, it is vital that we reconsider the most appropriate scrutiny structure which will facilitate the effective engagement of members in shaping the future direction of the Council via the Scrutiny function. This is particularly important given the political composition of the Council and the challenging nature of the issues the borough faces.

### ***Key objectives***

3.14 There are a number of key objectives which any new scrutiny structure should be designed to achieve. These are:-

- To enable non-executive members to develop a thorough understanding of key policy and service issues which supports effective and constructive scrutiny of performance and decision-making across Council services and meets the statutory requirements of scrutiny.
- Maximises the number of Members engaged in regular scrutiny activities and enables non-executive members to contribute to the shaping of Council policy at the right point in the policy development process.
- A structure that covers both the breadth of internal and external issues but also provides sufficient scope for the committee to develop specialisation and become experts in their subject areas.
- The frequency of scrutiny meetings is aligned to the decision-making timetable and enables high quality reports to be produced with scrutiny input made at the right time in the development of options and proposals.
- Can take a holistic view of partnership, performance and resourcing issues in relation to the individual service or issue under scrutiny.
- Enables clear accountability of Lead members and senior officers for decisions and service performance.
- The scrutiny function should be responsive to the views and concerns of service users and residents, actively seeking their opinions to shape their work programme.
- Is properly resourced and supported by senior officers and services within the Council and the contribution of scrutiny members is a valued part in the process of defining the Council's future policy direction.

3.15 In order to achieve these objectives it is therefore proposed that the future Scrutiny committee structure should, as set out below, be more closely aligned to the organisational structure of the Council as well as providing more opportunity for in-depth scrutiny.

### ***Proposed Scrutiny Structure***

3.16 The proposal is to have two scrutiny committees combining the following remits:-

- **Community and Well being Scrutiny Committee**

This committee would cover Housing, Adult Social Care, Public Health and the statutory responsibilities with regard to scrutiny of local health services and major reconfigurations of provision. It would also scrutinise the children and young people's service, partnership work undertaken by the Children's Trust and scrutiny of Safeguarding arrangements. The committee would be composed of eight elected members (seven from the Labour Group and one opposition group member which is consistent with current political balance

arrangements). The four voting education co-opted members and the two non voting education co-opted members would be part of this committee.

- **Resources and Public Realm Scrutiny Committee**

This committee would cover corporate resources, (including Customer Services, Policy, Partnerships and Performance, Procurement and IT) as well as regeneration, environment and community safety. The committee would be composed of eight elected members (seven from the Labour Group and one opposition group member which is consistent with current political balance arrangements).

- 3.17 In order to cover the extent of their remit each committee would meet six times during the year. A total of 12 scrutiny meetings would be held during the municipal year. There could be some advantages to this model as a result of a more integrated approach to cross-cutting issues as each committee would have a broader overview of each related set of services.
- 3.18 Any called-in items would be considered by the committee with the responsibility for scrutiny of the service which is the subject of the called-in decision. As the committees would be meeting every other month this could possibly require the scheduling of a specific meeting of the committee for the sole purpose of hearing the call-in, should a scheduled meeting not fall within the time deadline.
- 3.19 Strategic and Operational Directors would still be expected to take a central role in developing the work programme and reporting to the scrutiny committee covering their service responsibilities in collaboration with the Head of Strategy and Partnerships. Officer support from Policy, Performance and Partnerships would continue to be provided.

### ***Cost implications***

- 3.20 The indicative cost implications in respect of special responsibility allowances are set out below. As previously stated, however, these costings are potential maximum costs only and actual costs are likely to be lower as some of the members will already be in receipt of a special responsibility allowance.
- 3.21 In addition, in accordance with the provisions of the Members' Allowance Scheme, a 1% uplift in allowances has been factored in. On this basis the total potential costs are £40,614 higher than the current scrutiny structure.

2 x Chairs allowance at £14,140	£28,280
2 x Vice Chairs at £5,050	£10,100
12 x SRA allowance for committee members at £3,202	£38,424
Total	£76,804

- 3.22 If approved, it is proposed that the new scrutiny structure be implemented immediately after the annual meeting of Council on 18 May 2016 and that the

Chief Legal Officer be authorised to amend the Constitution to record the changes made.

- 3.23 As well as reviewing the Council's scrutiny function in structural terms, members are asked to note that a review of scrutiny arrangements concerning strategic matters such as budget setting and policy formation will be the subject of a follow up report later this year.

### **Conclusions**

- 3.24 The experience of operating a single committee model has focused scrutiny activities on a relatively small number of members, while also limiting the opportunity to develop depth and specialism due to the unreasonably wide remit of the committee. The proposals within this report seek to redress this situation with more themed committees meeting less frequently but with a closer alignment and relationship with Council departments. There is a potential increase in the cost of the scrutiny model of approximately £40,614 related to member allowances. There are no additional costs associated with staff resources. However the benefits of engaging more members in scrutiny discussions, with meaningful well planned agendas are significant.

### **4.0 Financial Implications**

- 4.1 These are addressed in the body of the report.

### **5.0 Legal Implications**

- 5.1 These are addressed in the body of the report.

### **6.0 Diversity Implications**

- 6.1 None

### **Background Papers**

None

### **Contact Officers**

**Peter Gadsdon**, Director of Policy, Partnerships and Performance,  
Chief Executive's Department, Brent Council, Brent Civic Centre, Engineers Way,  
Wembley HA9 0FTJ


Peter.gadsdon@brent.gov.uk

**Cathy Tyson**, Head of Policy and Scrutiny,  
Policy, Partnerships and Performance, Chief Executive's Department, Brent Council,  
Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Cathy.tyson@brent.gov.uk





 <b>Brent</b>	<p style="text-align: center;"><b>Full Council</b></p> <p style="text-align: center;">22 February 2016</p> <p style="text-align: center;"><b>Report from the Chief Legal Officer</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Members' Allowance Scheme</b></p>	

## 1.0 Summary

- 1.1 This report proposes changes to the Members' Allowance Scheme which sets out the allowances Members are entitled to receive for carrying out their responsibilities.

## 2.0 Recommendations

- 2.1 That Full Council makes the Members' Allowance Scheme attached to this report at Appendix 2 for the financial year 2016/17.
- 2.2 That Full Council authorises the Chief Legal Officer to comply with the statutory requirements to publicise the Council's Members' Allowance Scheme.

## 3.0 Detail

### ***Background***

- 3.1 Brent Council's Members' Allowance Scheme was most recently reviewed in 2014 following publication of a report by the independent remuneration panel for London borough councils. The report titled "The Remuneration of Councillors in London 2014 – Report of the Independent Panel" was published in June 2014 and is attached to this report at Appendix 1.
- 3.2 It is for the Council to make a scheme for the payment of allowances to its Members specifying the amount of entitlement by way of basic allowance (which is mandatory) and other allowances such as special responsibility and

dependants' carers' allowances (which are discretionary). Such a scheme has to be in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and the Council is required to have regard to the recommendations made by an independent remuneration panel.

- 3.3 The most recent independent review can continue to inform the Council's decision making in respect of its Members' Allowance Scheme for a maximum period of four years. Clearly, therefore the recommendations in the 2014 Report remain valid for the Scheme proposed for the financial year 2016/17 (see Appendix 1).
- 3.4 Members are reminded that the 2014 Report advocates the setting of allowances at a level that enables people to undertake the role of councillor while not acting as an incentive to do so. It is equally important, as acknowledged, that there should not be a financial disincentive.
- 3.5 It is also worth mentioning that in 2014 Members allowances were set at a reduced, or much reduced, level than the amount recommended by the independent panel. The difficulty in increasing allowances for Members given the current financial austerity, was recognised by the independent panel.
- 3.6 As for special responsibility allowances, the independent panel's report notes that they should come into play only in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.

### ***Proposed changes***

- 3.7 The proposed new Scheme is attached at Appendix 2. The proposed changes have been tracked and can be summarised as follows.
- 3.8 In line with many other councils it is proposed that Members be entitled to claim reasonable travelling and subsistence expenses for attending conferences outside of the borough of Brent. Claims will be reimbursed at the same rate as the Council reimburses expenses claimed by officers and no more than the actual amount incurred may be claimed.
- 3.9 Currently, the Scheme allocates a special responsibility allowance of £12,785 to the Group Leader of the Principal Opposition Group, namely the Conservative Group, and a second allowance to another member of that Group. It is proposed that the additional workload of the Group Leader of the Brent Conservative Group justifies a special responsibility allowance of £9,000 too. It is also proposed, however, that the second special responsibility allowance currently payable to the Deputy Leader of the Conservative Group be deleted.
- 3.10 The allocation of special responsibility allowances anticipates the approval by Full Council of a new two committee scrutiny structure. It is proposed that the new scrutiny structure will be implemented on 19 May 2016 which is when the matching allowances will become payable.

- 3.11 The allowance payable to the Chair of Planning Committee has been increased to the same level as the Chair of Scrutiny Committee as the significance and demands of the additional responsibilities warrant an equal footing approach.

### ***Annual Uplift***

- 3.12 Members are also asked to note that, in accordance with the provisions of the Scheme, a 1% uplift has been applied to all basic and special responsibility allowances, which is equal to the agreed inflation pay award for staff.

### ***Publicity***

- 3.13 As soon as reasonably practicable after the making of a Scheme, copies of the Scheme have to be made available for inspection at the Civic Centre and a notice has to be published in a local newspaper. It is recommended that the Chief Legal Officer be authorised to comply with these requirements.

## **4.0 Financial Implications**

- 4.1 The potential additional costs of the proposed new scrutiny structure are discussed in a separate report to be considered by Members at the same Full Council meeting as this report. That accounts for the single biggest increase in costs. The net effect of the other proposed changes will add to those costs. The actual costs cannot be calculated in advance because Members undertaking two or more roles attracting special responsibility allowances, would only be entitled to receive one such allowance.
- 4.2 In addition, the cost of reimbursing travelling and subsistence expenses for attending conferences outside of the borough of Brent cannot be calculated in advance either.
- 4.3 Members' allowances are currently met out of Member Services budget and the increase in costs will be budgeted for.

## **5.0 Legal Implications**

- 5.1 The proposed Members' Allowance Scheme complies with the relevant provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003; the Local Government and Housing Act 1989 and the Local Government Act 2000.

## **6.0 Diversity Implications**

- 6.1 None.

## **Background Papers**

None

## **Contact Officers**

Fiona Alderman, Chief Legal Officer, Resources Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 4101

Looqman Desai, Senior Solicitor (Governance), Resources Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 1366

# The Remuneration of Councillors in London 2014

Report of the Independent Panel



## Introduction

The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorise the establishment by the Association of London Government (now London Councils) of an independent remuneration panel to make recommendations in respect of the members' allowances payable by London boroughs. Such a panel ('the Panel') was established and reported in 2001, 2003, 2006 and 2010. It has been re-constituted and now comprises Sir Rodney Brooke CBE DL (Chair), Steve Bundred and Anne Watts CBE.

The Regulations require a review of the scheme every four years as a minimum. The current Panel has therefore completed a review of remuneration for councillors in London. We present our findings and recommendations in this report.

As a preparation for our work, we invited all London boroughs to give their views on the operation of the existing scheme. We also invited comments from the Leaders' Committee of London Councils. We are grateful for the feedback, which confirms that the existing London scheme of members' allowances is still fit for purpose. We make recommendations accordingly.

## The role of elected members

In our previous reports we reflected on the importance of the role of elected members. We repeat at Appendix B the job profile for councillors which we included in our 2010 report. In that report, we quoted the Government-appointed Councillors' Commission. The Commission took the view (which we continue to share) that: 'Allowances should be set at a level that enables people to undertake the role of councillor while not acting as an incentive to do so. Allowances are not shown by polls to be something which influences councillors to take on the role, though they are instrumental in making it possible for some people to do so. If it is important that there are no financial incentives to being a councillor, it is equally important that there should not be a financial disincentive.'

It is clearly desirable that service as a councillor is not confined to those with independent means. We do not repeat the arguments for appropriate remuneration for councillors which we have set out in our previous reports. We believe them to be self-evident. But we do repeat our belief in the importance of local democracy and the role of councillors within it. Each London Borough is responsible for services crucial to its residents. Each is responsible for a revenue budget of between £1.3bn and £3.3bn.

The responsibilities placed on local authorities continue to increase. The Localism Act 2011 devolved services to the boroughs, though, it was complained, without the resources to discharge them. From April 2013 London boroughs assumed the major new responsibility for health and wellbeing. Financial austerity brings substantial and further challenges to councillors: local authorities are required to make substantial cuts in their spending. Changes to the welfare system (particularly acute in London) give residual discretionary powers to local authorities. Councillors are faced with unenviable choices. Demand for local authority services continues to grow. In particular, there is exponential growth in the number of old people and a corresponding increase in demand for social care. The strain on and competition for resources increase the demands made on elected members.

## Pensions

In the Panel's first report we recommended that councillors should be eligible for pensions. Councillors are often retired and currently have an average age of 60. It is increasingly desirable to attract a younger cohort of people to serve on councils. Access to a pension scheme is one way of achieving this. Councillors – especially those with lead responsibilities – must surrender earning potential elsewhere, earning potential which would normally be pensionable. It seems perfectly reasonable that allowances attracted by service as a councillor should be pensionable.

The Government agreed with this view and the Regulations introduced the potential for councillors' allowances to be pensionable upon the recommendation of the relevant Independent Panel. Accordingly the Panel recommended that all London borough councillors under the age of 75 be eligible to join the local government pension scheme. Twenty two of the 32 London boroughs have accepted that recommendation.

In March 2014 the Government laid before Parliament Regulations which would end the right of councillors to enter the local government pension scheme. These Regulations would extend not only to councillors but also to elected mayors (including the Mayor of London) and members of the Greater London Assembly, though Police and Crime Commissioners would retain their right of access to the pension scheme.

Councillor Sir Merrick Cockell, Chairman of the Local Government Association and Chair of London Councils from 2006 until 2010, responded: 'The government's decision isn't about saving money, it is fundamentally about undermining the role of a councillor and undermining the role of local democracy'. He added: 'Fair remuneration is important so that people from all walks of life can afford to stand for office. Otherwise we risk local government becoming the exclusive preserve of a privileged few who have the luxury of time and money to spare.' His remarks were endorsed by Cllr Gary Porter, Leader of the Local Government Association's Conservative Group, who pointed out that 'councillors are spending more time supporting their constituents and working with external organisations such as GPs, schools, police, local businesses and voluntary organisations. Secondly, recruitment and retention is becoming increasingly difficult... the commitment involved can be a deterrent when set against a possible loss of earnings and a potentially negative effect on their careers.'

We believe that access to a pension scheme can be an important factor in making service as a councillor financially possible for a wider range of people. It is particularly important for those who, like elected mayors, leaders and portfolio holders, give most or all of their time to service in local government and lose the opportunity to contribute to a pension scheme elsewhere. We would very much like the Government to reconsider this decision.

## The current financial and political climate

Our 2010 report made no recommendations for increasing the levels of members' allowances other than continuing provision for annual adjustments in accordance with the annual local government pay settlement. As the Government-appointed Councillors' Commission pointed out in their 2007 report, the recommendations of the London Panel had led to substantial convergence of members' allowances across London. Indeed, the Councillors' Commission recommended a similar system for the country as a whole. Following our recommendations, there is now considerable congruity in the basic allowance made by London boroughs. However, most London boroughs have not adopted our recommendations in their entirety.

Our recommended allowances are tied to the annual local government pay settlement. Because of the current financial climate, the local government pay settlement has been frozen in three of the last four years. In 2013/14 there was a 1% pay award. Acutely sensitive to the current financial austerity, only two boroughs increased members' allowances by that percentage. Indeed nine boroughs have reduced members' allowances since the date of our last report.

We are acutely aware that now is not the time to increase allowances made to councillors, though we continue to recommend that members' allowances be pegged to the annual local government pay settlement. Such pegging will ensure that councillors can receive annual increases which are in line with those received by staff. We fully accept that, in the current financial climate, it would be entirely inappropriate to increase members' allowances (beyond the annual updating). Nevertheless we hope that in the longer term the financial situation will permit further convergence of members' allowances around our recommendations. We continue to believe that the scheme we propose is sufficiently flexible to accommodate the different political management arrangements of different London boroughs. Our view is confirmed by the general response from the London boroughs.

## Consultation with the boroughs

### Level of allowances

In our consultation with the London boroughs we asked a number of questions. We enquired whether it was believed that the salary of an MP remains a sound comparator to fix the remuneration of a borough leader. [Our recommendations for other special responsibility allowances are related to that recommended for Leaders.] Members of Parliament currently receive a salary of £66,396, now rather more than our updated recommendation for the allowance for Leaders.

Though there was dissent from one Borough, another asserted that the Leader's allowance should reflect the total remuneration package paid to Members of Parliament. A different borough pointed out that whereas a Member of Parliament represented an electorate of 70,000 people, a leader was responsible for the delivery of a wide range of services to a population of 300,000 – an electorate of 220,000 across an area three times as large as a parliamentary constituency. Indeed, 'it is arguable that the responsibilities of some cabinet portfolio holders are greater than the local responsibilities of an MP' but 'on balance the salary of an MP is about as sound a comparator as is likely to be found'.

In considering the responses, we also took into account the remuneration payable to chairs and members of other public bodies. We continue to believe that the allowances we have recommended are suitable. In particular, we think it appropriate that Leaders should receive an allowance approximating to the salary of a Member of Parliament.

### External paid appointments

There has been some controversy over councillors accepting paid appointments in other public bodies, given their cumulative remuneration. We asked the boroughs whether allowances should be adjusted to take into account external payments from other public bodies. One authority thought it reasonable to 'consider the balance of benefit to the local area before determining whether 'home' remuneration should be reduced accordingly'. Other boroughs disagreed.

We believe that if members take on extra work and responsibilities through undertaking external appointments, then they should be entitled to retain the remuneration attracted by those responsibilities. Of course the borough might reflect on the extent to which the external duties are compatible with the time required to discharge duties within the borough and adjust responsibilities accordingly.

### Chair of the Health and Wellbeing Board

These new bodies govern commissioning decisions across health, public health and social care. They must develop with commissioning groups a shared understanding of the health and wellbeing needs of the community. They must undertake a Joint Strategic Needs Assessment and develop a joint strategy for how these needs can be best addressed. This will include recommendations for joint commissioning and integrating services across health and social care. The Boards must drive local commissioning of health care, social care and public health and create a more effective and responsive local health and care system. They must also address other services that impact on health and wellbeing such as housing and education.

It was recommended to us that the Chair of the Health and Wellbeing Board should receive a special responsibility allowance in Band Three, that designed for Cabinet members. We entirely agree: this is a statutory post conferring personal statutory responsibility. The role is of major importance to local government and should be remunerated accordingly where they are councillors. In practice we imagine that Chairs of Health and Wellbeing Boards will be members of the Cabinet and have been remunerated within Band Three since their creation.

### Lead Member for Children's and Adult Services

It was suggested to us that the Lead Member for Children's Services should receive a special responsibility allowance higher than other Cabinet Members: 'The enhanced duty of safeguarding for the role of lead member for Children's Services and the time required to fulfil it makes the post a special case for an enhanced banding between the current bands three and four.'



We well understand the heavy responsibility on the lead member for Children's services and the consequences of any failure in the system. We are entirely sympathetic to the view that the responsibility might warrant a higher special responsibility allowance than other Cabinet members. In our 2010 report we specifically contemplated the different weight of responsibilities of different portfolios and suggested that they might justify different allowances. Our recommended Band Three for Cabinet Members has a range of over £6,000 and we believe that this is sufficient to enable boroughs to differentiate between the different weights of portfolios should they so decide.

It has also been suggested to us that the lead member responsible for adult safeguarding has a degree of responsibility equal to that of the lead member for children's services. We are not convinced of the comparison.

Given the different allocation of responsibilities in different boroughs, we do not make specific recommendations on differentiating special responsibility allowances for Cabinet members within Band Three.

## **Dependants' Carers' Allowance**

The Regulations authorise the payment to councillors of an allowance ('the Dependants' Carers' Allowance') in respect of the expenses of arranging for the care of children or dependants when the councillor attends meetings or is engaged in other official duties. We received representations that the Allowance should be not less than the living wage.

We strongly believe that the boroughs should make a dependants' carers' allowance available to their members. Access to a dependants' carers' allowances can make it possible for a wider range of people to serve on their councils. Specifically by payment of dependants' carers' allowance, boroughs can attract some who would not normally expect to become councillors. 26 of the 32 boroughs provide in their allowances scheme for payment of dependants' carers' allowances. In those boroughs which do make a payment, allowances vary from £5.27 to £9.26 per hour (in one case £15 per hour for specialised care).

We recognise the need for payments to pay regard to local circumstances and the nature of specialist care. We believe that ordinary care should be remunerated at not less than the London living wage of £8.60 per hour; and (on presentation of proof of expense) payment should be made at a higher rate when specialist nursing skills are required.

## **Sickness, maternity and paternity leave**

This issue has again been raised with us. We adhere to our recommendations in the 2006 report, repeated in 2010, namely that councils should make arrangements in their members' allowances schemes to allow the continuance of special responsibility allowances in the case of sickness, maternity and paternity leave in the same terms that the council's employees enjoy such benefits (that is to say, they follow the same policies).

## **Members of social care and health scrutiny panels and corporate parenting panel**

One borough suggested that service on the Social Care and Health Scrutiny Panels and the Corporate Parenting Panel should be placed within Band One because of the risk profile of those roles.

We continue to recommend that the responsibility allowance payable under Band One should include membership of committees, sub-committees and adoption panels where membership requires attendance with exceptional frequency or for exceptionally long periods. If a Council believes that such memberships are substantially more onerous than service on other committees, then we agree that they would be appropriately remunerated on Band One.

## **Travel and subsistence allowances**

We have been asked to give advice on travel and subsistence allowances. We continue to believe that the Basic Allowance should cover all reasonable out-of-pocket expenses incurred by councillors, including intra-borough travel costs and expenses, though councils may consider that there are circumstances where it may be appropriate for a scheme to provide payment for the cost of transport, e.g. journeys home after late meetings, and for people with disabilities. We also continue to believe that, where travel and subsistence allowances are payable, they should be in accordance with the current scheme for travel and subsistence applicable to the Borough's staff; and that travel allowances should extend to travel by bicycle.

## **Update for inflation**

We continue to recommend that the allowances we recommend should be updated annually in accordance with the headline figure in the annual local government pay settlement.

**Sir Rodney Brooke CBE DL      Steve Bundred      Anne Watts CBE**

London  
1 June 2014

# Appendix A

**Basic allowance £10,703**

## Special responsibilities – beyond the basic allowance

### The case for special allowances

The reasons for payment of additional special responsibility allowances should be clearly set out in local allowances schemes. Special allowances should come into play only in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.

### Calculation of special allowances

The proposed amounts for each band are a percentage of the figure suggested for a council leader depending upon levels of responsibility of the roles undertaken and are explained below. We believe that the SRA, which the previous panel recommended for the leader of a London council (updated), continues to be appropriate.

## Categories of special allowances

The regulations specify the following categories of responsibility for which special responsibility allowances may be paid:

- Members of the executive where the authority is operating executive arrangements
- Acting as leader or deputy leader of a political group within the authority
- Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee
- Representing the authority at meetings of, or arranged by, any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority
- Membership of an adoption panel
- Membership of a licensing or regulatory committee
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above, whether or not that activity is specified in the scheme.

## Local discretion

It is for the councils locally to decide how to allocate their councillors between the different bands, having regard to our recommendations and how to set the specific remuneration within the band. They must have regard to our recommendations. We believe these should have the merits of being easy to apply, easy to adapt, easy to explain and understand, and easy to administer.

## **BAND ONE**

The posts we envisage falling within band one include:

- Vice chair of a service, regulatory or scrutiny committee
- Chair of sub-committee
- Leader of second or smaller opposition group
- Service spokesperson for first opposition group
- Group secretary (or equivalent) of majority group
- First opposition group whip (in respect of council business)
- Vice chair of council business
- Chairs, vice chairs, area committees and forums or community leaders
- Cabinet assistant
- Leadership of a strategic major topic
- Acting as a member of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods
- Acting as a member of an adoption panel where membership requires attendance with exceptional frequency or for exceptionally long periods
- Leadership of a specific major project.

## **Remuneration**

We propose that band one special responsibility allowances should be on a sliding scale of between 20 – 30 per cent of the remuneration package for a council leader.

This would be made up as follows:

Basic allowance: £10,703

Band one allowance: £2,392 to £8,941

**Total: £13,095 to £19,644**

## **BAND TWO**

The types of office we contemplate being within band two are:

- Lead member in scrutiny arrangements, such as chair of a scrutiny panel
- Representative on key outside body
- Chair of major regulatory committee e.g. planning
- Chair of council business (civic mayor)
- Leader of principal opposition group
- Majority party chief whip (in respect of council business).

## **Remuneration**

We propose that band two allowances should be on a sliding scale between 40 – 60 per cent, pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance £10,703

Band two allowances: £15,486 to £28,581

**Total: £26,189 to £39,284**

## **BAND THREE**

We see this band as appropriate to the following posts:

- Cabinet member
- Chair of the Health and Wellbeing Board
- Chair of the main overview or scrutiny committee
- Deputy leader of the council

### **Remuneration:**

We propose that band three allowances should be between 70 – 80 per cent pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance: £10,703

Band three allowance: £35,128 to £41,675

**Total: £45,831 to £52,378**

## **BAND FOUR**

Leader of cabinet, including a strong leader.

This is a full-time job, involving a high level of responsibility and now includes the exercise of executive responsibilities. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service.

### **Remuneration:**

We propose that the remuneration package for a council leader under band four of our scheme should be £64,824.

This is made up as follows:

Basic allowance: £10,703

Band four allowance: £54,769

**Total: £65,472**

## **BAND FIVE**

Directly elected mayor

A directly elected mayor is a full-time job with a high level of responsibility and exercises executive responsibilities over a fixed electoral cycle. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service. However we believe this post remains different to that of the strong leader with cabinet model. The directly elected mayor is directly elected by the electorate as a whole. The strong leader holds office at the pleasure of the council and can be removed by the council. We believe that the distinction is paramount and this should be reflected in the salary level.

### **Remuneration:**

We propose that a band five directly elected mayor should receive a remuneration package of 25 per cent higher than that recommended for a council leader and that it should be a salary set at **£81,839**.

## Appendix B

### On behalf of the community – a job profile for councillors

#### Purposes:

1. To participate constructively in the good governance of the area.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
5. To represent the council on an outside body, such as a charitable trust or neighbourhood association.

#### Key Tasks:

1. To fulfil the statutory and local determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full council (forexample, setting budgets, overall priorities, strategy).
2. To participate effectively as a member of any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or panel's) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working.
3. To participate in the activities of an outside body to which the councillor is appointed, providing two-way communication between the organisations. Also, for the same purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
4. To participate in the scrutiny or performance review of the services of the authority, including where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
5. To participate, as appointed, in the area and in service-based consultative processes with the community and with other organisations.
6. To represent the authority to the community, and the community to the authority, through the various forums available.
7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
8. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
9. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area.
10. To participate in the activities of any political group of which the councillor is a member.
11. To undertake necessary training and development programmes as agreed by the authority.
12. To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

# Appendix C

## The independent panel members

**Sir Rodney Brooke** has a long career in local government, including as chief executive of West Yorkshire County Council, Westminster City Council and the Association of Metropolitan Authorities. He was knighted in 2007 for his contribution to public service and is currently chairman of the Quality Assurance Agency for Higher Education.

**Steve Bundred** was chairman of Monitor, chief executive of the Audit Commission and chief executive of the London Borough of Camden.

**Anne Watts CBE** has an extensive career in equality and diversity that spans the private, voluntary and public sectors with organisations including the Open University, the Commission for Equality and Human Rights and Business in the Community. She chaired the NHS Appointments Commission.





# **PART 8**

## **MEMBERS' ALLOWANCE SCHEME**

The London Borough of Brent, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 and the Local Government Act 1972 hereby makes the following Scheme.

### Introduction

1. This is ~~The London Borough of~~ Brent Council's Members' Allowances Scheme. The allowances in Schedule 1 shall become effective from 1<sup>st</sup> ~~April June 2016~~ and will ~~continue (subject to paragraph 10) until a further decision of the Council.~~

### Interpretation

In this Scheme:

"Councillor" means a member of the London Borough of Brent who is a Councillor.

"Year" means a period of 12 months ending 31 March.

~~"Week-day" means a day between Monday and Friday (inclusive).~~

### Basic Allowance

2. For each year a basic allowance as set out in Schedule 1 of this Scheme shall be paid to each Councillor.

### Special Responsibility Allowances

3. (1) For each year, a Special Responsibility Allowance shall be paid to those Councillors who have the Special Responsibilities in relation to the authority that are specified in Schedule 1 of this Scheme.
- (2) The amount of each such Allowance shall be the amount specified against that Special Responsibility in Schedule 1.
- (3) No member shall receive more than one Special Responsibility Allowance.

### Allowances for the education voting co-opted members and the independent members on Standards Committee and Audit Committee

4. For each year an allowance as set out in Schedule 1 of this Scheme shall be paid to the education voting co-opted members and the ~~i~~ndependent members on the Standards Committee and Audit Committee.

### Dependants' Carers' Allowance

5. A dependants' carers' allowance may be claimed by a councillor in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in the attendance at meetings or the performance of functions of a type specified in Schedule 2 provided that:
  - i) the allowance will be for reimbursement only of the reasonable costs of such care which shall be equal to the hourly rate of the London Living Wage (unless special care is required and approved); and
  - ii) written approval of the claim is obtained sought from the Head of Executive and Member Services prior to the meeting.

## Civic dignitaries

6. In accordance with the necessary tax dispensation, for each year the allowances set out in schedule 1 shall be paid to the Mayor and Deputy Mayor to meet the expenses of their office.

## Travelling and subsistence allowances

7. (1) Subject to the conditions set out in this paragraph, reasonable travelling and subsistence expenses may be claimed by councillors (or voting co-opted or independent members) in respect of the attendance at conferences outside of the borough of Brent.
- (2) The attendance shall be for the purpose of, or in connection with, the discharge of the functions of the Council.
- (4) The prior written approval of the Head of Executive and Member Services or the Director Performance, Policy and Partnerships shall be obtained in respect of both the attendance and the amount of the expenses.
- (5) Claims shall be reimbursed at the same rate as the Council reimburses expenses claimed by officers. Subject to any maximum limits which may apply, the amount of the claim shall be limited to the expense actually incurred
- (6) Receipts shall be produced in respect of all claims.

## Renunciation

78. A Councillor (or voting co-opted or independent member) may, by notice in writing given to the ~~Mayor's Office Manager~~Head of Executive and Member Services, elect to forego any part of their entitlement to an allowance under this Scheme.

## Part-year Entitlements

89. In so far as this scheme has effect for only part of a year or where, in the course of a year, this Scheme is amended or a Councillor or voting co-opted or independent member becomes or ceases to be a Councillor or voting co-opted or independent member, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable, the entitlement to such an allowance shall be to such part of the allowance as bears to the whole in the same proportion as the number of days during which their term of office subsists bears to the number of days in that year.

## Claims and Payments

910. (1) A-dependents' carers' allowance, travelling and subsistence allowances or education voting co-opted or independent members' allowance under this Scheme shall be made in writing within two months of the date on which the duty in respect of which the entitlement to the allowance arises.
- (2) Payments shall be made:
- (a) in respect of Basic and Special Responsibility Allowances, subject to Sub-Paragraph (4) below, in instalments of one-twelfth of the amount

specified in this Scheme on a day each month as determined by the Head of Executive and Member Services~~Mayor's Office Manager~~.

- (b) in respect of Mayoral and Deputy Mayoral allowances, in accordance with a scheme for which a tax dispensation has been given.
  - (c) in respect of dependents' carers' allowances, on the day as determined by the Head of Executive and Member Services in respect of claims received up to the last day of the preceding month.
- (3) Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more or less than the amount to which, by virtue of Paragraph 8, he or she is entitled, the payment shall be such amount as will ensure that no more or no less is paid than the amount to which he or she is entitled.
- (4) A record of all payments made under this Scheme showing recipient, nature and amount shall be maintained and made available for public inspection.
- (5) No member may claim an allowance under this Scheme if he or she is already claiming an allowance from another authority in respect of the same duties.
- (6) Where an allowance has already been paid in respect any period during which the person claiming the allowance was not entitled to so claim the Council may recover the amount paid.

### Annual Uplift

101. Basic, special and civic allowances payable under this Scheme shall be increased with effect from each April by a percentage equal to the inflation pay award agreed as part of the Local Government Pay Settlement in the previous financial year, unless otherwise determined by the Council. This annual uplift shall cease to apply after 31<sup>st</sup> October~~March~~ 2018.

### Suspension

- ~~11. Where a councillor or voting co-opted or independent member is suspended or partially suspended, all member allowances will be withdrawn from that councillor, voting co-opted member or independent member for the period of suspension or partial suspension, including travel or any allowances payable under this scheme.~~

### Pensions

12. (a) The following members of the Council are entitled to pensions in accordance with a members pension scheme:
- [none]*
- (b) The following allowances shall be treated as amounts in respect of which such pensions are payable:
- [none]*

**SCHEDULE 1****BASIC, SPECIAL RESPONSIBILITY AND CO-OPTED MEMBER ALLOWANCES WITH EFFECT FROM 1 APRIL 2016****Basic Allowance**

Payable to all councillors = £10,100

**Special Responsibility Allowances**  
**(No more than one allowance per member)**

1. Leader of the Council = £39,354
2. Deputy Leader of the Council = £28,681
3. Other Cabinet Members (x6) = £18,898
4. Chair of the Scrutiny Committee = £14,140 (under current scrutiny arrangements until 18 May 2016)
5. Vice-Chair of the Scrutiny Committee = £5,050 (under current scrutiny arrangements until 18 May 2016)
6. Chair of the Community and Well-being Scrutiny Committee (under new scrutiny arrangements from 19 May 2016) = £14,140
7. Chair of the Resources and Public Realm Scrutiny Committee (under new scrutiny arrangements from 19 May 2016) = £14,140
8. Vice-Chair of the Community and Well-being Scrutiny Committee (under new scrutiny arrangements from 19 May 2016) = £5,050
9. Vice-Chair of the Resources and Public Realm Community and Well-being Scrutiny Committee (under new scrutiny arrangements from 19 May 2016) = £5,050
10. Members of the Scrutiny Committee (x6) (under current scrutiny arrangements until 18 May 2016) = £3,202
11. Members of the Scrutiny Committeess (x12) (under new scrutiny arrangements from 19 May 2016) = £3,202
12. Chair of the Planning Committee = £14,140
13. Members of the Planning Committee (x6) = £3,234
14. Chair of the Standards Committee = £2,155
15. Co-Chair of the Youth Parliament = £2,155
16. Chair of the Pension Fund Sub-Committee = £2,155
17. Chairs of the Service User Consultative Forums (x5) = £2,155
18. Chairs of the Brent Connects Area Consultative Forums (x5) = £4,873
19. Members of the Alcohol and Entertainment Licensing Committee (x15) = £2,155
20. Member of the Adoption and Permanency Panel = £3,234
21. Member of the Fostering Panel = £3,234
22. Leader of the Principal Opposition Group\* = £12,913

23. Other Group Leader(s) = £9,000

24. Group Whip for the majority group with over 50% of councillors = £5,583

25. Deputy Whips for the majority group (x2) = £2,155

26. Mayor = £9,090

27. Deputy Mayor = £7,070

\*For the purposes of this Scheme this is the second largest group of the Council. If there are two or more opposition groups of the same size, it is such group as the Council shall decide.

### Co-opted Member Allowances

1. Chair of the Audit Committee (non-voting) = £423

2. Independent member(s) of the Standards Committee (non-voting) = £423

3. Education voting co-opted members of the Scrutiny Committee (x4) (under current scrutiny arrangements until 18 May 2016) = £224

4. Education voting co-opted members of the Community and Well-being Scrutiny Committee (x4) (under new scrutiny arrangements from 19 May 2016) = £224

Allowance	Number of Posts	Amount (£)	Total (£)
<b>Basic</b>			
Payable to all councillors	63	10000	630,000
<b>Special Responsibility</b>			
Only one special responsibility allowance will be paid to any one member			
<b>Post</b>			
Leader	1	38,964	38,964
<b>Executive Members</b>			
Deputy Leader	1	28,397	28,397
Other Executive members	6	18,711	112,266
Chair of the Scrutiny Committee	1	14,000	14,000
Vice Chair Scrutiny (Main Opposition Group)	1	5,000	5,000
<b>Chair of Council Committees</b>			
Planning Committee	1	13,340	13,340
Standards Committee	1	2,134	2,134

MEMBERS ALLOWANCE SCHEME

<b>Co-Chair Youth Parliament</b>	1	2,134	2,134
<b>Chairs of sub-Committees</b>			
Pension Fund sub-Committee	1	2,134	2,134
<b>Chairs of Service User Consultative Forums</b>	5	2,134	10,670
<b>Chairs of Service Area Consultative Forums</b>	5	4,825	24,125
<b>Members of Alcohol and Entertainment Licensing Committee</b>	15	2,134	32,010
<b>Members of Planning Committee</b>	6	3,202	19,212
Members of Scrutiny Committee	6	3,170	19,020
Member of Adoption and Permanency Panel	1	3,202	3,202
Member of Fostering Panel	1	3,202	3,202
Group Leader of the principal Opposition Group or where there is more than one group of the same size such group as the Council shall decide	1	12,785	12,785
One Opposition Group allowance to the Principal Opposition Group	1	2,134	2,134
Group Whip for the majority party where that party exceeds more than 50% of the seats	1	5,528	5,528
Deputy Whips for the majority group	2	2,134	4,226
Mayor	1	9,000	9,000
Deputy Mayor	1	7,000	7,000
<b>Co-opted and Independent Members</b>			
Voting co-opted members	4	222	1332
Non-Voting co-opted member of Standards Committee	1	419	419
Audit Committee Chair	1	419	419

**SCHEDULE 2****Extract from The Local Authorities (Members Allowances) (England) Regulations 2003****Dependants' carers' allowance**

7. (1) A scheme may provide for the payment to members of an authority of an allowance ("dependants' carers' allowance") in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in—

(a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;

(b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that—

(i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or

(ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;

(c) the attendance at a meeting of any association of authorities of which the authority is a member;

(d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;


(e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;

(f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

(g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools)(1); and

(h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.



 <b>Brent</b>	<p style="text-align: center;"><b>Full Council</b></p> <p style="text-align: center;">22 February 2016</p> <p style="text-align: center;"><b>Report from the Chief Legal Officer</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p style="text-align: center;"><b>Changes to the operation of Full Council meetings</b></p>	

## 1.0 Summary

- 1.1 This report discusses a number of proposals to change the Council's Constitution to improve the opportunities for non Cabinet members and members of the public to participate in full Council meetings. These changes have been considered by the Council's Constitutional Working Group and have been the subject of a Members' Development Seminar.

## 2.0 Recommendations

- 2.1 That Full Council approves the changes to the Constitution proposed in this report and, if applicable, marked up in Appendix 1 and authorise the Chief Legal Officer to make consequential changes throughout the Constitution.

## 3.0 Detail

### *Questions from members of the public*

- 3.1 It is proposed that a new Standing Order will be inserted which allows members of the public to ask questions of Cabinet members. The revised Standing Order which in the Appendix 1 appears as Standing Order 40 would allow for questions to be submitted in writing and circulated with the agenda for full Council. A written answer would be circulated by close of business the day before full Council. One supplementary question could be asked during the full Council meeting.

### ***External speaker***

- 3.3 Provision is included in Standing Orders for an external speaker to be invited to attend full Council and speak for up to 10 minutes on an issue of relevance to Brent and for there to be an ensuing debate for up to 45 minutes. This will not be a standing item on the agenda but will be added to the agenda with the agreement of all Group Leaders. The relevant Lead Member will be permitted to speak for 5 minutes and will submit a motion in accordance with the normal rules on motions. Speeches by other members will not exceed 2 minutes.

### ***Non cabinet members' debate***

- 3.4 It is proposed that, following a recent trial of such a debate, at two Full Council meetings, that there should be a regular debate for a maximum of 21 minutes on a topic selected by backbench members. Up to six members can speak for up to three minutes and the Lead Member will be permitted to speak for up to three minutes and shall provide a written report, for information only, at the next Full Council meeting with what follow up action has been taken.

### ***Petitions scheme***

- 3.5 It is proposed that the existing petitions scheme is retained but in addition there is provision for ward members, or a chair of a scrutiny committee to make reference to the receipt of a petition to Full Council. In the event that a petition submitted via the Brent petition scheme attracts more than 200 signatures then Standing Orders will allow for a debate at full Council to be requested.

### ***Motions***

- 3.6. It is proposed that the timescales for motions will be amended so that motions must be submitted 5 days in advance and that amendments to motions must be submitted close of business the previous working day. This will allow members of the public to have available to them printed copies of the motions and amendments and to follow the debate more easily.

### ***Deputations***

- 3.7 It is proposed that the Chief Executive should have a power to determine whether or not a deputation should be accepted, on advice from the Chief Legal Officer.

### ***Leader's report***

- 3.8 It is proposed that the Leader should have the opportunity to present an Annual report to Full Council. The Leader will be permitted to speak for 5 minutes and there will follow a debate for 20 minutes. Opposition Group

Leaders will be able to speak for 2 minutes each and all other members will be able to speak for 2 minutes each until the time runs out.

### ***Questions to Cabinet Members***

- 3.9** It is proposed that the existing Standing Order is amended so that the original question and answer are provided in written form at the meeting of Full Council and there is provision for a member to ask one oral supplementary question lasting up to 1 minute and for the Cabinet member to reply taking up to 2 minutes.

### ***Miscellaneous amendments***

- 3.10 It is proposed that amendments are made by removing reference to the Division Bell and also removing reference to the Community Champion awards in the agenda of the council meetings.

## **4.0 Financial Implications**

- 4.1 None.

## **5.0 Legal Implications**

- 5.1 These are addressed in the body of the report.

## **6.0 Diversity Implications**

- 6.1 None.

## **Background Papers**

None

## **Contact Officers**

Fiona Alderman, Chief Legal Officer, Resources Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 4101

Looqman Desai, Senior Solicitor (Governance), Resources Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 1366

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 <b>Brent</b>	<p style="text-align: center;"><b>Full Council</b></p> <p style="text-align: center;">22 February 2016</p> <p style="text-align: center;"><b>Report from the Chief Legal Officer</b></p>
<p>For Action <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Changes to the Constitution</b></p>	

## 1.0 Summary

- 1.1 This report discusses a number of proposals to change the Council's Constitution including clarifying and amending the requirements of the Council's Forward Plan procedures; extending the right of call-in beyond key decisions; increasing contract values and the delegated powers of officers and renaming the Brent Connects Kilburn and Kensal area consultative forum.

## 2.0 Recommendations

- 2.1 That Full Council approves the changes to the Constitution proposed in this report and authorises the Chief Legal Officer to amend the Constitution accordingly.

## 3.0 Detail

### ***The Forward Plan – the publication of decisions to be taken by Cabinet and others***

- 3.1 In outline, it is proposed that the Constitution be amended to clarify that all key decisions (irrespective of the decision maker), and non-key decisions to be taken by Cabinet or a committee of the executive, be published in advance on the Council's Forward Plan but that the Chief Executive be authorised to allow non-key decisions to be taken urgently if giving 28 clear days notice is impracticable.

- 3.2 According to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the Council has to generally give at least five clear days notice of public meetings of the Cabinet or its committees and has to make agendas and reports available for inspection by the public at least five clear days before the meeting.
- 3.3 Different and stricter rules apply to private meetings or key decision meetings or key decisions taken by individuals such as Cabinet Members or officers. The general rule is that 28 clear days notice must be given of these decisions. Shorter notice periods apply in cases of urgency or special urgency but subject to the Chair of Scrutiny being informed or agreeing depending on what the 2012 Regulations stipulate.
- 3.4 A key decision is a decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function the decision relates to. Or is significant in terms of its effect on communities living or working in two or more wards of the borough.
- 3.5 To give effect to these requirements, the Council publishes a Forward Plan, usually 28 days before each meeting of the Cabinet, to give advance notification of key and other decisions.
- 3.6 Whereas the Council's legal requirements are clear, the references in the Constitution in relation to the content of Forward Plans are not.
- 3.7 On the one hand, the Constitution sets out the Council's statutory obligation to publish key decisions and explains that this is the purpose of the Forward Plan.
- 3.8 On the other hand, the Constitution also variously refers to "any decision to be taken by the Cabinet" and "a decision to be taken by the Cabinet or a committee of the Cabinet" being included in the Forward Plan (i.e. not just key decisions).
- 3.9 References in the Constitution to the advance publication of the intention to make executive decisions are inconsistent and confusing. It is suggested that the requirement to give 28 days notice of all executive decisions, without flexible urgency procedures, would be an unusual, unhelpful and unnecessarily rigid requirement for the Council to impose upon itself.
- 3.10 It is proposed therefore that the Constitution is amended to clarify the Council's statutory obligations and actual practice. Namely, including in Forward Plans all key executive decisions (irrespective of the decision maker) and non-key decisions to be taken at a meeting of the Cabinet or a committee of the executive. The Forward will also include other decisions which the Council is required to give advance notice of such as decisions to be taken at private meetings.
- 3.11 However, it is proposed that there are separate urgency provisions for key and non-key decisions.

- 3.12 The urgency procedure for key procedures is statutory and would remain unchanged.
- 3.13 In contrast, there is no statutory requirement to give 28 clear days notice for non-key decisions and therefore a more proportionate and flexible approach is needed. Which is why it is proposed that the Chief Executive be authorised to allow non-key decisions to be taken urgently if giving 28 clear days notice is impracticable. This is the same as the statutory test for key decisions.

### ***Call-in***

- 3.14 Standing Order 20 (Part 3 of the Constitution) explains the Council's 'call-in' arrangements. Currently, call-in is restricted to key decisions (as defined in paragraph 3.4 above). It is proposed that as part of the re-structuring of the Council's scrutiny function, the right of call-in be extended to other executive decisions taken by Cabinet or a committee of the executive.

### ***Contract values and the delegated powers of officers***

- 3.15 Currently Cabinet authority is required in relation to contracts for services and supplies valued at £250k and over and for contracts for works valued at £500k and over. This level is lower than some other London authorities and given recent Cabinet approval to move towards a shared procurement service with Harrow, it would seem timely to increase levels to those currently operated by Harrow. This would only require Cabinet to consider reports for contracts for services, supplies and works of £500k and over.
- 3.16 It is believed this would materially limit the number of procurement reports relating to services and supplies and therefore time Cabinet has to spend considering such reports, allowing it to concentrate on the more significant Council procurements.
- 3.17 It is not proposed at this stage to increase the limit for contracts for works.

### ***Joint procurement framework agreements***

- 3.18 It is proposed that the Council's Contract Standing Orders be amended as follows.

- 3.19 Currently SO 86(e) states:

“ (e) Subject to the proviso below, no formal tendering procedures apply where contracts are called off under:

(i) a Framework Agreement established pursuant to these Standing Orders; or

(ii) a Framework Agreement established by another contracting authority , where call off under the Framework Agreement is approved by the relevant Chief Officer to include confirmation that there is budgetary provision for the proposed call-off contract PROVIDED that

the Chief Legal Officer has advised that participation in the Framework Agreement is legally permissible. Advice from the Chief Legal Officer must be obtained each and every time a call off under another contracting authority's Framework Agreement is recommended by the relevant Chief Officer."

3.20 The proposal is to amend SO 86(e)(i) so it reads (see addition in bold):

"a Framework Agreement established pursuant to these Standing Orders **or otherwise established pursuant to a joint procurement involving the Council**".

3.21 The Council is increasingly involved in collaborative procurements of framework agreements involving a number of different authorities. Where the Council is not leading on the collaborative procurement, it is nonetheless generally involved in drafting the specification and other contract documents, agreeing evaluation criteria and evaluating bids. Once bids have been evaluated, the council leading the collaborative procurement will enter into the framework agreement using its own Contract Standing Orders, with Brent Council and the other collaborating councils permitted to call-off from the framework agreement.

3.22 Under the Council's Standing Orders as currently drafted, advice from the Chief Legal Officer that participation in the framework agreement is legally permissible must be obtained each and every time a call off under a framework agreement let by another contracting authority is recommended by the relevant Chief Officer.

3.23 Given that the Council will have been involved in the procurement of such framework agreements and able to satisfy itself that participation in the framework is legally permissible during the procurement, amendment to Standing Order 86 (e)(i) is proposed to apply the same requirements to call-offs from collaboratively procured framework agreements as apply to call-offs from framework agreements directly procured by Brent. This will therefore remove the procedural and time consuming requirement to obtain Chief Legal Officer confirmation of legal permissibility for each and every call-off.

#### ***Name change for the Kilburn & Kensal consultative forum***

3.24 Part 2, Article 10 of the Constitution lists the Council's five area consultative fora. The "Brent Connects Kilburn and Kensal" forum is stated to cover Brondesbury Park, Kilburn, Mapesbury and Queen's Park. The "Brent Connects Harlesden" forum includes Harlesden, Stonebridge and Kensal Green. The reference to "Kensal" in the Kilburn forum is confusing.

3.25 It is therefore suggested that the name of the Brent Connects Kilburn & Kensal forum be changed to "Brent Connects Kilburn" to more clearly distinguish it from the Harlesden forum.

#### **4.0 Financial Implications**



4.1 None.

## **5.0 Legal Implications**

5.1 These are addressed in the body of the report.

## **6.0 Diversity Implications**

6.1 None.

### **Background Papers**

None

### **Contact Officers**

Fiona Alderman, Chief Legal Officer, Resources Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 4101

Looqman Desai, Senior Solicitor (Governance), Resources Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 1366

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**Full Council**  
22 February 2016

## **Report from the Chief Executive**

Wards Affected:  
ALL

### **Member's Absence from Council Meetings**

#### **1.0 Summary**

- 1.1 The Local Government Act 1972 expressly provides that where a council Member fails to attend any meeting of the council for 6 consecutive months from the date of their last attendance, subject to certain exceptions, they cease to be a member of the authority unless failure was due to some reason approved by the Council before the expiry of that period.
- 1.2 Councillor Tayo Oladapo, Member for Kilburn, last attended a Council meeting (Scrutiny Committee) on 26 November 2014. His absence from meetings on the basis of his ill-health was reviewed and approved at subsequent meetings of Full Council, and most recently, in January 2016
- 1.3 At Full Council in November 2015, the Mayor reported that Councillor Oladapo had been discharged from hospital following successful surgery and was at home recuperating. Although Cllr Oladapo had been expected to attend Full Council on 18 January 2016 he was re-admitted to hospital and was unable to attend.
- 1.4 Councillor Oladapo is still not able to attend meetings due to his ill-health.

#### **2.0 Recommendation**

Full council is asked to agree:

that Councillor Oladapo's absence from meetings of the Council since 27 November 2014 be approved on the basis of his ongoing ill-health and that the position be reviewed, if required, at the Annual Council meeting in May 2016.

#### **4. Legal implications**

- 4.1 Section 85 Local Government Act 1972 provides

*if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by*

*the authority before the expiry of that period, cease to be a member of the authority.*

### **Background Papers**

Local Government Act 1972  
Council minutes 13 June 2001

### **Contact Officer**

Thomas Cattermole  
Head of Executive and Member Services  
020 8937 5446