



Audit and Standards Committee

**Wednesday 20 March 2019 on the rising of the
Audit and Standards Advisory Committee meeting**
Boardrooms 7 & 8 - Brent Civic Centre, Engineers
Way, Wembley HA9 0FJ

Membership:

Members

Councillors:

A Choudry (Chair)
Donnelly-Jackson
Kansagra
Naheerathan
Nerva

Substitute Members

Councillors:

Kabir, Lo, Long and Stephens

Councillors:

Colwill and Maurice

For further information contact: Kunwar Khan, Governance Officer
Tel: 020 8937 2037; Email: kunwar.khan@brent.gov.uk

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - To which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item **Page**

1 Apologies for absence and clarification of alternate members

2 Declaration of Interests

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3 Deputations (if any)

To hear any deputations received from members of the public in accordance with Standing Order 67.

4 Financial and Procedure Rules Governing the Mayor's Charity Appeal 1 - 8

This reports seeks approval, subject to any comments by the Audit and Standards Advisory Committee, to the recommended changes proposed to the financial and procedural rules governing the Mayor's Charity Appeal.

Ward Affected:
All Wards

Contact Officer: Debra Norman, Director of
Legal and HR Services
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Debra.Norman@brent.gov.uk



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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 <p>Brent</p>	<p>(1) Audit and Standards Advisory Committee</p> <p>(2) Audit and Standards Committee</p> <p style="text-align: center;">20 March 2019</p>
<p>Report from the Director of Legal and HR Services</p>	
<p>Update on Financial and Procedural Rules Governing the Mayor's Charity Appeal</p>	

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One: Appendix 1 Financial and Procedural Rules Governing the Mayor's Charity Appeal
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal & HR 020 8937 1578 Email: Debra.Norman@brent.gov.uk Biancia Robinson, Senior Constitutional & Governance Lawyer 020 8937 1544 Email: Biancia.Robinson@brent.gov.uk

1.0 Purpose of the Report

- 1.1 The purpose of this report is to update the Audit and Standards Advisory Committee on the recommended changes to be made to the financial and procedural rules for governing the Mayor's Charity Appeal; and seek the Audit and Standards Committee's approval of the same.

2.0 Recommendations

- 2.1 That the **Audit and Standards Advisory Committee** consider, note and recommend the contents of the report and the proposed changes relating to the financial and procedural management of the Mayor's Charity Appeal as set out in Appendix One of this report.
- 2.2 That the **Audit and Standards Committee** consider the contents of the report and approve the proposed changes to the Financial and Procedural Rules governing the Mayor's Charity Appeal.

3.0 Detail

- 3.1 The Mayor in their capacity as First Citizen is expected to:
 - a) act as the representative of the area;
 - b) participate in and help initiate activities that enhance the economic, social, cultural and environmental well-being of the borough; and
 - c) act as an advocate of the local community.

It is in this capacity, that each new Mayor chooses one or more charities which they intend to support through donations/fund raising events during the Mayoral year.

- 3.2 The Financial and Procedural Rules (the Rules) governing the Mayor's Charity Appeal were last put before the Standards Committee in March 2011. At that time the Rules were updated to ensure transparency and reflect financial regulations.
- 3.3 Following a recent consideration of the Rules it is proposed to amend them in order to:
 - a) clarify the fact that the chosen charities must be locally based, or a local branch of a national charity, whose aims and objectives benefit the residents of Brent.
 - b) enable greater flexibility, in the eventuality that one or more of the Mayor's chosen charities ceases to operate, or be registered with the Charities Commission, so that collected funds can be gifted to the remaining Charity chosen by the Mayor; or a registered charity which has the closest aims and functions.
 - c) provide a greater reputational protection for the Council in circumstances in which it becomes inadvisable or impossible to continue to raise funds on behalf of the charity named by the Mayor.

The proposed changes are set out in Appendix 1.

4.0 Financial Implications

- 4.1 There are no financial implications arising out of this report. The funds collected by the Mayor's Office on behalf of the charities are governed by trustee and charity law.

5.0 Legal Implications

5.1 The civic role of the Mayor is governed by s3 the Local Government Act 1972. However, when the Mayor nominates and then supports one or more charities by raising proceeds which are then donated to a charity, or charities, of their choice, the Council is exercising its wellbeing powers pursuant to s2 Local Government Act 2000.

6.0 Equality Implications

6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, s149 Equality Act 2010.

6.2 The s149 Public Sector Equality Duty (outlined above) in the Equality Act 2010 covers the following nine protected characteristics: age, disability, marriage and civil partnership¹, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 “Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to the effect is a matter for the council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged.

6.4 There are no equality implications arising out of this report.

7.0 Consultation with Ward Members and Stakeholders

7.1 Not applicable.

8.0 Human Resources/Property Implications (if appropriate)

8.1 Not applicable.

Report sign off:

Debra Norman

Director of Legal and HR Services

¹ 6.1(b) &(c) above does not apply to this protected characteristic..

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Financial and Procedural Rules Governing the Mayor's Charity Appeal

1 The Mayor's Selection of Charities to support

- 1.1 The Mayor shall name not more than **three two** charities which he or she wishes to support for his or her term of office as Mayor. For the avoidance of doubt, funds collected are in the name of the office of the Mayor of the London Borough of Brent and not in an individual capacity.
- 1.2 The incoming Mayor shall inform the Mayor's Office of the names of the charities which he or she wishes to support no later than four weeks before the Annual General Meeting or two weeks in exceptional circumstances.
- 1.3 The charities chosen by the **incoming** Mayor must be registered with the Charity Commission for England and Wales at the date they are selected.
- 1.4 The charities chosen by the **incoming** Mayor must **be UK based and operate within Brent for the** benefit the inhabitants of Brent.
- 1.5 Prior to announcement of the **incoming** Mayor's nominated charities at the Annual General Meeting, officers of the council shall confirm that the charities meet appropriate standards for governance, are financially viable, are likely to endure for the duration of the Mayoral year and have not been the subject of Charity Commission concerns within the last two years at the date officers make enquiries. If the requirements set out in this paragraph are complied with, a record shall be made accordingly. In the event that there are reasonable concerns expressed by officers, the Mayor shall be asked to make an alternative choice of charity to support.
- 1.6 **If the incoming Mayor is a newly elected Councillor, he or shall inform the Mayor's Office of the charity (ies) he or she wishes to support within two weeks of taking office.**

2 Collection **and Donation** of Funds

- 2.1 It shall be assumed that the funds collected during the Mayor's term of office shall be divided equally between the chosen charities unless otherwise specified by the Mayor in writing at the outset of his/her term of office, or unless a donor specifies that their donation **be is** for one specific charity.
- 2.2 **Where more than one charity is named, donors should where practical be given the choice of donating to only one of the charities that the Mayor has chosen, rather than the donation being split.** A separate record will be kept by ~~the Mayor's Office~~ **Executive and Member Services** of donations falling into this category.

- 2.3 The funds collected shall be used for the general purposes of the charity named and there shall be no collections for specific projects.
- 2.4 ~~Where only one charity is chosen, there shall be decided and recorded at the outset of the Mayor's term of office a contingency plan for the funds collected in the following terms:~~
wWhere one or more of the Mayor's chosen charities is no longer deemed to be fit or able to receive the funds collected as determined by the Director of Chief Finance Officer and Corporate Services, or ceases for whatever reason to operate or be registered these relevant proportion of the funds shall (following consultation with the Mayor) be added to the funds to be donated to the remaining of the Mayor's chosen charities (if any) or a registered charity which has the closest aims and functions to those originally named.

3. Role of Mayor's Office

General

- 3.1 The Mayor's Office will assist the Mayor in choosing the Charities for the year, should the incoming Mayor need guidance. Due care should be taken to ensure that the chosen charities are reputable and will benefit significantly from monies raised.
- 3.2 The Mayor's Office will ensure that the Mayor's Charity Appeal is registered under, ~~and complies with, the Lotteries and Amusements Act 1976~~ The Gambling Act 2005 (this relates to the selling of raffle tickets).

Day to day management

- 3.3 A receipt book will be maintained to record all receipts and donations.
- 3.4 All donations received will be receipted, acknowledged by a different person from the person who collected the donation, and passed to Finance to be banked.
- 3.5 The Executive Support Manager will be responsible for authorising expenditure from the Charity Appeal account.
- 3.6 Where raffle tickets are sold, a record will be kept of how many tickets have been issued and this will be cross referenced with the amount of money collected.
- 3.7 The Executive Support Manager will ensure all steps required to comply with ~~Lotteries and Amusements Act~~ The Gambling Act 2005 are undertaken.

4. Role of Finance

General

- 4.1 A new charity appeal bank account will be opened at the beginning of each Mayoral Year. All transactions will be finalised within 3 months of the end of the Mayoral Year and the account will be closed no later

than 6 months after the end of the Mayoral year by the payment of monies to the nominated charity(ies).

Day to day management

- 4.2 Bank reconciliations will be carried out monthly and all discrepancies resolved monthly.
- 4.3 All donations passed on by the Mayor's Office will be banked and a receipt issued to the Mayor's Office for cash donations.
- 4.4 Invoices will only be paid if signed off by the Mayor's Office and Executive Support Manager or the Director of Performance, Policy and Partnership.
- Finance will check the signature and invoice for accuracy and records will be kept on file.
- 4.5 Cheques can only be signed by an authorised signatory within Finance

5. General

- 5.1 All payments from the Charity Account should be by electronic funds transfer. ~~Where payments not exceeding £20 each need to be made in cash for expediency, then a receipt shall be obtained from the person who receives the cash, with details as to why the cash was paid.~~
- 5.2 The Council cannot pay advances into the Charity Appeal account in lieu of expected funds to be raised or underwrite any losses. Therefore, the Mayor's Charity Appeal account should not be overdrawn at any time.
- 5.3 Should the Mayor wish to invite interested persons to form a fundraising group to assist with the appeal, this group will play no active role in the finances of the Charity Appeal.

~~6. Issues arising during the Mayoral Year~~

~~In the event that the Chief Finance Officer reasonably decides that:~~

- ~~i) — one or more of the nominated charities is no longer an appropriate charity for the sponsorship by the Mayor of Brent
or
ii) — for whatever reason the charity ceases to operate or to be registered~~

~~the Chief Finance Officer shall seek advice from the Director of Legal and HR to take such steps as are lawful, necessary and proportionate to distribute the funds.~~

76. Public Accountability

- 76.1 On closing the account, monies will only be paid to a charity registered with the Charity Commission for England and Wales.

- 76.2 If the Mayor wishes to divide the funds other than equally between the chosen charities he/she must make this clear at the beginning of the Mayoral year so that donors are aware of where their contributions are going.
- 76.3 Donors should where practical be given the choice of donating to only one of the charities that the Mayor has chosen, rather than the donation being split. A separate record will be kept by the Mayor's Office of donations falling into this category.
- 76.4 A clear statement giving details of all donations received and all expenditure incurred should be available for any member of the Council or for any member of the public to inspect by appointment.