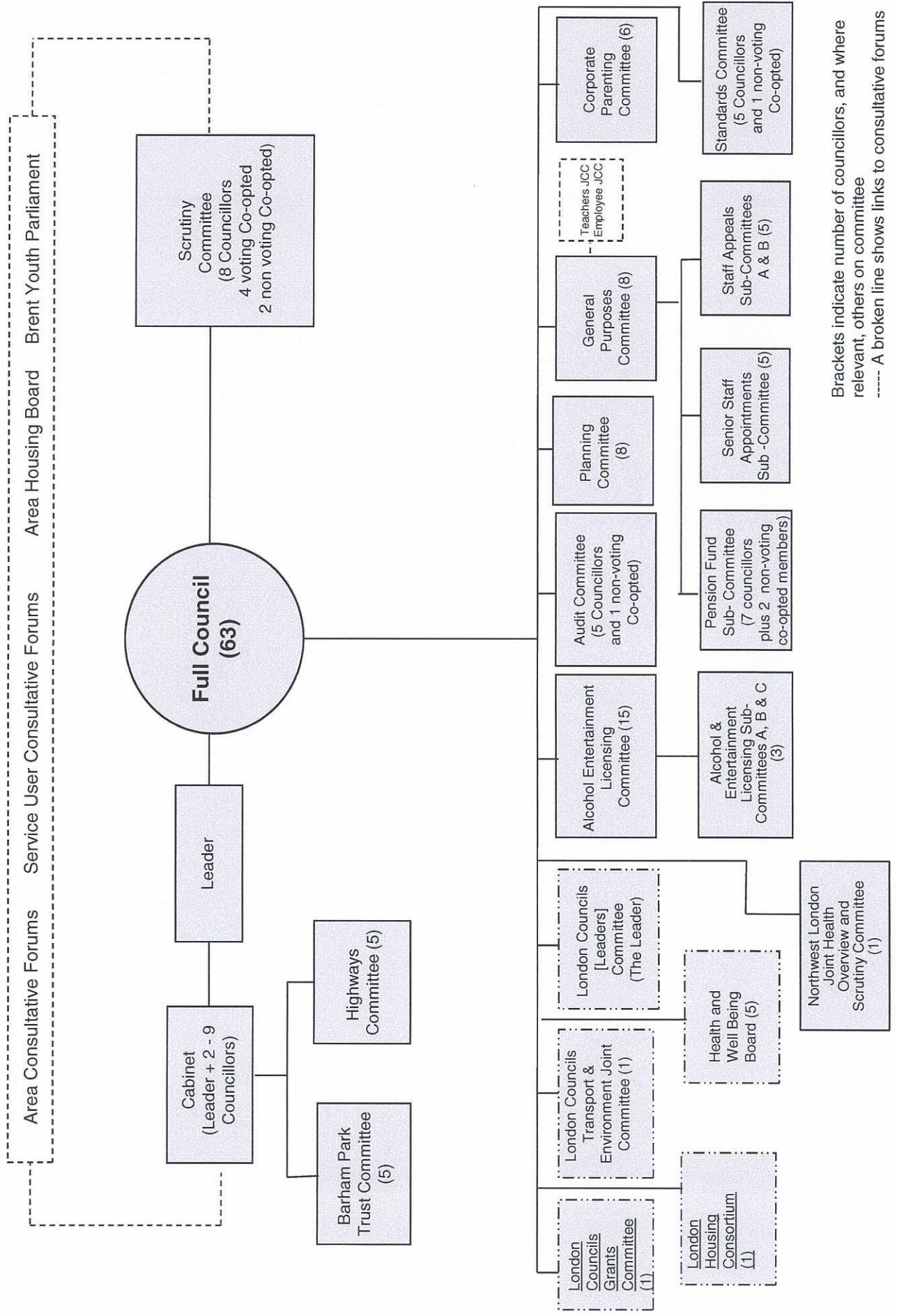


Appendix 1

LONDON BOROUGH OF BRENT DECISION MAKING STRUCTURE CHART



Brackets indicate number of councillors, and where relevant, others on committee
 ----- A broken line shows links to consultative forums

PART 2

ARTICLES

- Article 1 The Constitution
- Article 2 Members of the Council
- Article 3 Citizens and the Council
- Article 4 Full Council
- Article 5 The Mayor
- Article 6 ~~Overview and~~ Scrutiny Committees
- Article 7 The ~~Executive~~Cabinet
- Article 8 Regulatory and other Committees
- Article 9 The Standards Committee
- Article 10 Consultative Forums
- Article 11 Other Bodies and Panels
- Article 12 Joint Arrangements
- Article 13 Officers
- Article 14 Decision Making
- Article 15 Finance, Contracts and Legal Matters

Article 6 – The ~~Overview and~~ Scrutiny Committees and Sub-Committees

Introduction

- 6.1 Effective, independent and rigorous examination of the proposals and decisions made by the ~~Cabinet Executive~~ are a significant feature of the Council's ~~executive~~ arrangements and provide a key role for non-executive members. Overview and scrutiny is the mechanism for holding ~~the Cabinet Executive~~ publicly to account. This function gives non-~~cabinet executive~~ members a significant opportunity to contribute to the proposals of the ~~Cabinet Executive~~, for example concerning the budget, as well as contributing to development of policy, reviewing the impact of policy decisions on the Borough and reviewing the quality of service performance. The Council has established ~~five main overview & a~~ Scrutiny committees. ~~These are: the One Council Overview and Scrutiny Committee, the Partnerships & Place Overview and Scrutiny Committee, the Health Partnerships Overview and Scrutiny Committee the Budget and Finance Overview and Scrutiny Committee and the Children and Young People Overview and Scrutiny Committee. In addition a Call-in Overview & Scrutiny Committee has been established that will meet only when an Executive decision has been called in. The Scrutiny Committee will establish an annual work plan which identifies areas suitable for review and scrutiny and will establish commissions and or panels to undertake specific time limited work. The Scrutiny Committee will meet at regular intervals throughout the municipal year and will meet as and when required in relation to any Call in.~~
- 6.2 ~~All of t~~The ~~overview and s~~Scrutiny ~~C~~committees shall comprise ~~of~~ 8 members of the Council who shall not be members of the ~~Cabinet, and Executive, the Children and Young and People Overview and Scrutiny Committee shall comprise of 8~~ members of the Council who shall not be members of the ~~Executive~~, 4 voting co-opted members and 2 non-voting co-opted members appointed in accordance with Standing Order 54. Members, chairs and vice chairs of the committees will be appointed ~~to these committees~~ by Full Council.

Annual Report and Work Programmes

- 6.3 ~~The Scrutiny Each C~~committee will be responsible for developing and agreeing its own work programme ~~and for appointing panels and commissions to undertake specific areas of work which will then report back to the Scrutiny Committee. The work programmes will be co-ordinated via an informal Chair's group~~
- 6.4 An annual report on the activities of ~~all of the overview and s~~Scrutiny ~~C~~committee will be produced and published
- 6.5 More information about the membership of the ~~overview and s~~Scrutiny ~~e~~Committee is contained in Part 5 of this Constitution.

General Role

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

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

~~6.7 The One Council Overview and Scrutiny Committee, the Children and Young People Overview and Scrutiny Committee, the Partnership and Place Overview and Scrutiny Committee and the Health Partnerships Overview and Scrutiny Committee may establish time limited task groups to consider a set of issues or a service or part of a service or decision or other action taken or to be taken which will then report back to the relevant parent committee.~~

Terms of Reference

6.7 The ~~overview and s~~Scrutiny ~~e~~Committees shall carry out the functions specified in Part 5 of, and elsewhere in, the Constitution but subject to the limitations and exceptions specified therein and may not discharge any other functions. The terms of reference for the ~~overview & scrutiny~~ committees are set out in Part 5 of this Constitution.

~~In summary they will:~~

- ~~• assist the Council and the Executive in the development of the Budget and Policy Framework by in-depth analysis of policy issues;~~
- ~~• consult with external organisations operating in the area to ensure that the interests of local people are enhanced by partnership and collaborative working;~~
- ~~• review and/or scrutinise the decisions made or to be made or other action taken or to be taken in connection with the discharge of any of the Council's functions; and~~
- ~~• review the performance of the Executive, other committees and sub-committees and officers and partners both in relation to individual decisions and over time.~~

~~Annual Work Programme and Annual Report~~

~~6.9 The overview and scrutiny committees will produce and publish an annual report on their work.~~

Proceedings of the ~~Overview and Scrutiny Committees~~

6.8 The ~~overview and s~~Scrutiny ~~e~~Committees will conduct ~~their~~ its proceedings in accordance with Standing Orders and the Access to Information Rules.

- 6.9 If ~~any of the overview and the s~~Scrutiny ~~C~~committees intends to receive a report back from a task group of the committee ~~a Cabinet an Executive~~ member will be allowed to address it at the meeting that receives the report and the time allowed for this will be determined by the Chair acting reasonably.

Members' Rights to Request Scrutiny

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

Councillor Call for Action

- 6.11 Any member of the council may, by giving written notice to the ~~Democratic Services Manager Head of Executive and Member Services~~, request that any matter (which is not an excluded matter under ~~Section 9FC~~ Local Government Act 2000) which is relevant to the functions of ~~the an overview and s~~Scrutiny ~~C~~committee be included in the agenda for, and be discussed at, a meeting of the committee.

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

- ~~6.14 The terms of reference of the each overview and scrutiny committee contains a power for the committee to consider a Councillor Call for Action in relation to a local government matter or in the case of the Partnership and Place Overview and Scrutiny Committee, a local crime and disorder matter.~~

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

Northwest London Joint Health Overview and Scrutiny Committee

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

Article 7 – The ~~Executive Cabinet~~

Role

- 7.1 ~~The Cabinet is the main decision making body of the Council, responsible for ensuring the implementation of the council's budgetary and policy frameworks. The Executive Cabinet is responsible for implementing the Council's policies. It is precluded from carrying out certain functions but is responsible for most day to day decisions not taken by officers.~~

Form and composition

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

The Leader

- 7.3 The Leader will be a councillor elected to the position of Leader by Full Council at the first post election annual meeting held after the ordinary elections. If the Council fails to elect a Leader at that ~~Annual Meeting~~ then it shall elect a Leader at a subsequent meeting of the Council.
- 7.4 The Leader will hold office as Leader from the day of his election as Leader until the day of the post election Annual Meeting of the Council which is held after the ordinary local elections, which follows his/her election as Leader, unless he/she is removed from office in accordance with paragraph 7.7 .
- 7.5 The office of Leader continues to the post election annual meeting of the Council as in paragraph 7.4 above, whether or not the Leader is re elected as a Councillor to this authority.
- 7.6 The office of Leader becomes vacant if:
- (a) he/she resigns from the office; or
 - (b) he/she is suspended from being from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension) or he/she is disqualified from being a councillor; or
 - (c) he /she ceases to be a councillor (save for the circumstances in paragraph 7.5)

Removal of the Leader - Vote of No Confidence

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

Other ~~Executive Cabinet~~ Members

- 7.8 The Leader ~~agrees will to~~ appoint between two and nine members to the ~~Executive Cabinet~~ and shall notify the Head of Executive and Member Services of those appointments.
- 7.9 The Mayor and Deputy Mayor cannot be appointed to the ~~Cabinet Executive~~.

- 7.10 An ~~Executive Cabinet~~ member shall hold office until
- a) he/she resigns from office
 - b) he/she is suspended from being from being a councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension) or they are disqualified from being a councillor; or
 - c) he/she ceases to be a councillor
 - d) he/she is removed from office by the Leader

Portfolios of ~~Executive Cabinet~~ Members

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

The Deputy Leader

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

Appointments by the Leader

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

Other Vacancies in the ~~Executive Cabinet~~

- 7.17 If the Leader is unable to act, or the office is vacant, and also the Deputy Leader is unable to act, or the office is vacant, all responsibilities of the ~~Executive~~

~~Cabinet~~ shall be carried out by the ~~Executive Cabinet~~ collectively, ~~subject to the power vested in the Chief Executive at Part 4 paragraph 2.3 to carry out all functions in cases of extreme urgency.~~

7.18 If at any time an ~~Executive Cabinet~~ member other than the Leader or Deputy Leader ceases to be a member of the ~~Executive Cabinet~~, the responsibilities of that member shall ~~revert to the Leader be carried out by the Executive Cabinet collectively~~ until such time as the Leader shall have appointed a replacement, or, where appropriate, re-appointed the member concerned.

7.19 In the event of there being no Leader or Deputy Leader appointed and an insufficient number of members of the ~~Executive Cabinet~~ appointed to achieve a quorum, all ~~e~~Executive functions shall in the interim be carried out by the Chief Executive.

7.20 The responsibilities and powers of the Deputy Leader may not be carried out by any other member of the ~~Executive Cabinet~~ in his/her absence, or if the post is vacant.

Proceedings of the ~~Executive Cabinet~~

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

Responsibility for the discharge of ~~E~~executive functions

7.22 Executive functions may be exercised by the Leader, or the Leader may delegate those functions to the ~~Executive Cabinet~~ as a whole, a committee of the ~~Executive Cabinet~~, ~~a joint committee, another Local Authority~~, an individual ~~Executive Cabinet~~ member, or officers. The ~~Executive Cabinet~~ may arrange for ~~E~~executive functions delegated to it to be carried out by a committee of the ~~Executive Cabinet~~, or an officer.

7.23 The Leader has agreed to delegate all executive functions to the ~~Executive Cabinet~~ except those which he/she has delegated to the Highways Committee ~~or through the Cabinet to the, Barham Park Trust Committee~~ or officers as set out in Part 4.

7.24 The Monitoring Officer shall maintain a list as set out in the Constitution of the committees of the ~~Executive Cabinet~~, officers or joint arrangements, which are responsible for the exercise of particular executive functions as delegated to them by the Leader. This is contained in Part 4 of the Constitution.

~~7.25 The Leader has agreed not to make executive decisions alone. Nor will he/she arrange for the discharge of executive functions by another individual member of the Executive,, including any decisions relating to their portfolio. The Executive will only make decisions collectively.~~

~~7.26~~5 The Leader may change the arrangements for the discharge of executive functions. The Leader has agreed that such changes shall only be made on written notice to the ~~Director of Legal and Procurement or Full Council Democratic Services Manager~~ and that such notified changes shall only be effective from the ~~at~~ date ~~they are reported to the next meeting of Full Council.~~

Executive Cabinet Committees

- 7.276 The ~~Leader~~ Leader has established a Highways Committee, ~~to which he/she has delegated certain executive functions which~~. The Leader has agreed to delegate such functions to the Highways Committee as are set out in the Constitution in Part 4 (Terms of Reference). As the Highways Committee is exercising executive functions it is bound by the same procedural rules as the ~~Executive Cabinet~~ as set out in Parts 3, 4 and 6 of this Constitution.
- 7.287 The ~~Executive Cabinet~~ has established a sub-committee; the Barham Park Trust Committee, to decide matters relating to the Trust. ~~†~~ The Cabinet has agreed to delegate such functions to the Barham Park Trust Committee as are set out in the Constitution in Part 4 (Terms of Reference).

PART 3
STANDING ORDERS

- (d) The Chair of the ~~Budget and Finance Overview and~~ Scrutiny Committee shall be allowed up to 10 minutes to present the findings of the committee. A procedural motion shall address the right to speak of the Group Leaders and the Lead Member for Resources including time limits. There will then be general debate. Provision shall also be made in the procedural motion for the Leader of the Council to have the right to make closing remarks with a time limit specified. Following which a vote will be taken.
- (e) At an Ordinary Meeting where Council Tax Setting is decided there shall be no motions (item (m) under the Ordinary Council Meeting items of business).

35 [Paragraph number not in use]

36. Extraordinary meetings

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

37. Ordinary Meetings

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

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

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

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

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

- (c) **Minutes:**

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

(d) **Declarations:**

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

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

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

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

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

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

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

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

(i) Deputations

To enable deputations by Members of the public in accordance with Standing Order 39. ~~Questions from the Opposition and other Non Executive Members~~

~~To enable questions to be put to the Executive~~

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

To enable questions to be put to the Cabinet~~To debate key issues affecting the Borough~~ in accordance with Standing Order 40.

(k) **Reports from the Chairs of the ~~Overview and~~ Scrutiny Committees**

To receive reports from the Chairs of the ~~Overview and~~ Scrutiny Committees in accordance with Standing Order 41

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

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

(m) **Motions**

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

(n)* ***Urgent business:***

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

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

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

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

38. Report from Leader or Members of the Executive Cabinet

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

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

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

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

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

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

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

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

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

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

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

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

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

(vii) Urgent decisions called in:

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

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

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

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

The response of the ~~Executive Cabinet~~ to any other comments or recommendations received from, or being presented by, the ~~Overview and~~ Scrutiny Committees or Full Council;

(x) Any recommendations to Full Council.**39 Deputations**

(a) Deputations may be made by members of the public. Each deputation shall last not more than 5 minutes and there shall be a maximum of 3 deputations at any one council meeting on different subject matters. There shall be no more than one deputation made by the same person or organisation in a 6 month period and no repetition of the subject.

(b) Any deputation must directly concern a matter affecting the borough and relate to a Council function. Deputations shall not relate to legal proceedings or be a matter which is or has been the subject of a complaint under the Council's complaints processes. Nor should a deputation be frivolous, vexatious, or defamatory. The Director of Legal and Procurement shall have discretion to decide whether the deputation is for any other reason inappropriate and cannot proceed.

- (c) Any person wishing to make a deputation shall give written notice to the Director of Legal and Procurement of the title and summary of the content of the deputation not less than 5 days before the date of the meeting.
- (d) If more than three deputations are received a ballot will take place three days before the Council meeting to select the deputations to be presented before the Council.

3940. Questions from the Opposition and Non ~~Executive Cabinet~~ Members

- (a) A period of not more than ~~45~~30 minutes shall be allowed to ask and respond to questions raised under this item.
- (b) Non ~~executive Cabinet~~ members (except the Mayor and Deputy Mayor) will be permitted to put a maximum of 10 questions to the ~~Executive Cabinet~~ on any matter which is the responsibility of the ~~Executive Cabinet~~. Each non-~~executive Cabinet~~ member may only put one matter to the ~~Executive Cabinet~~ in any one question time session. The 10 questions are to be divided as follows; ~~5~~3 from the main opposition group, 1 from the minority opposition ~~group~~ and ~~4~~6 from the administration. Such questions to be provided to Head of Executive and Member Services not less than 5 days before the date of the meeting.
- (c) The party groups shall decide which of their members shall put the questions to the ~~Executive Cabinet~~.
- (d) Each non ~~executive Cabinet~~ member shall have up to 1 minute within which to put their question.
- (e) A member of the ~~Executive Cabinet~~ shall have up to 2 minutes to respond to the question.
- ~~(f) The non executive member shall be permitted to comment further for a maximum of 2 minutes. These follow up comments must relate to the subject matter of their original question and must not involve further or supplementary questions..~~

40. ~~Debate on key issues affecting the borough~~

- ~~(a) With agreement of all Group Leaders a speaker shall be invited to attend and speak on an issue pertinent to the London Borough of Brent. The speech shall not exceed 10 minutes.~~
- ~~(b) The lead executive member will be permitted to speak for 5 minutes on the topic addressed by the speaker within which time they will propose a motion for debate.~~
- ~~(c) The debate by members will not exceed 45 minutes. Questions or comments by members shall not exceed 2 minutes.~~

41. Report from the Chairs of the ~~Overview and~~ Scrutiny Committee

- (a) The Chairs of not more than two ~~Overview and~~ Scrutiny Committees may present reports on any matter in respect of which the committees ~~have~~ has been consulted or which it has ~~they have~~ been reviewing or considering and ~~each~~ shall be permitted to speak for up to 5 minutes thereon.

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

42. [Paragraph number not used]

43. [Paragraph number not used]

44. First Reading Debate

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

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

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

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

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

45. Motions

(a) Members may put motions to council. ~~A period of no more than 45 minutes shall~~

~~be allowed for this item.~~

- (b) A maximum of ~~32~~ motions will be put to Council at any one meeting (one per party group) which will be debated.
- (c) Each group must give notice in writing of their motion to the Head of Executive and Member Services ~~Democratic Services Manager~~ not less than 5 days before the date of the meeting. This shall include a copy of the Motion they are intending to move at the meeting. A copy of the motion shall be circulated to all members at least 2 days before the date of the meeting.
- ~~(d) The time allowed to debate and vote on each of the 3 motions shall not exceed 15 minutes~~
- ~~(e)~~(d) The debate shall commence with the proposer being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Head of Executive and Member Services ~~Democratic Services Manager~~. Further speakers shall then be called by the Mayor.
- ~~(f)~~(e) Up to 6 4 speakers shall be allowed for each motion (2 from each group), each limited to 2 minutes
- ~~(g)~~ The matter shall be put to the vote at the end of the debate 15 minutes permitted for each of the three Motions.
- ~~(h)~~(f) Any amendments to the motions can be accepted provided they are set out in writing to the Mayor prior to a vote taking place

46. Rules Of Debate For Meetings of Full Council

- (a)* *Any motion or amendment to a motion may be moved without notice but must relate to an item of business specified in the summons for the meeting.*
- (b) Each amendment shall relate to the subject matter of the motion and shall not have the effect of negating the motion.
- (c) Motions or amendments to motions shall not be open to debate until formally moved.
- (d) Motions and amendments to motions which have not been circulated in advance of the meeting shall be read aloud before they are open to debate, and the Mayor will require that the motion or an amendment to a motion is written down and handed to him/her.
- (e) Procedural motions shall be put to the vote without discussion, provided that the Mayor may, in his or her absolute discretion, allow or require the proposer to give (for such brief period as the Mayor may allow) reasons for proposing the motion.
- (f) A member shall stand when speaking and shall address the Mayor. If two or more members rise the Mayor shall call on one to speak.
- (g) Speeches shall be directed to the matter under discussion or to a personal explanation or to a point of order.
- (h) No speech shall exceed three minutes except where otherwise provided in these Standing Orders or by the consent of Full Council and except for a Chair or the Leader replying to a debate whose speech shall not exceed five minutes. Any

motion or amendment to a motion shall be put within the time allowed for the speeches.

- (i) With the exception of ~~a Cabinetan Executive~~ Member responding to a question put to the ~~Cabinet Executive~~ by a non-~~Cabinet executive~~ member, or a Chair of a committee or sub-committee replying to a debate on a report referred from the committee or sub-committee or where otherwise provided in these Standing Orders, a member shall not speak more than once on any item of business except on rising to a point of order or in personal explanation.
- (j) A member may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech by the member at the same meeting, which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.
- (k) Subject to the provisions of Standing Order 4(b) the ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (l) Whenever the Mayor rises during a debate, all those present then speaking or standing shall resume their seat and Full Council shall be silent.
- (m) A motion or amendment to a motion may be withdrawn or altered by the proposer of the motion or amendment with the consent of Full Council, which shall be signified without discussion. Where a motion is withdrawn there shall thereafter be no further debate on the item.
- (n) At the commencement of a debate, any member may move that only a specified number of members from each of the political groups shall be permitted to speak before a vote is taken or at the commencement of any meeting of Full Council or during the course thereof any member may move that only a specified number of members of each political group shall be permitted to speak on each motion or amendment thereto.
- (o) A member may move without comment at the conclusion of another member's speech: *"That the question be now put"*, *"That the debate be adjourned (to some stated time)"* or *"That the Council do now adjourn (to some stated time)"* on which the Mayor shall proceed as follows:-
 - (i) On a motion that the question be now put, the Mayor shall first put that motion to the vote without further discussion; if it is passed the motion(s) and/or amendment(s) relating to the subject of the debate will then also be put to the vote;
 - (ii) On a motion to adjourn the debate or the meeting, the Mayor shall put that motion to the vote without further discussion; if it is passed the debate or meeting shall stand adjourned to the time stated; if the debate is adjourned the Council will proceed to the next item of business; if the meeting is adjourned no further business will be transacted until the adjourned meeting

AND no second motion that the question be now put or that the debate or meeting be adjourned shall be made during the consideration of the same business unless it shall be proposed by the Mayor.
- (p) The Mayor may at any time invite an officer to respond to any issue raised or question asked.

47. Voting

- (a) Prior to voting on a Motion there shall be put to the vote any amendments to that Motion that have been moved.
- (b)* *Amendments to Motions shall be taken in the order in which they were moved and shall be voted upon in succession unless, subject to the advice of the Director of Legal and Procurement or the Chief Executive, it is agreed by the meeting that the amendments shall be taken en bloc.*
- (c) The mode of voting at meetings of Full Council shall be by show of hands and, on the requisition of the leader of a political group, or of any member of the Council supported by 14 other members of the Council raising their hands, made before the vote is called, the voting on any question shall be recorded in the minutes of the meeting so as to show whether each member present gave their vote for or against that question or abstained from voting. Immediately after any vote is taken at a budget decision meeting of an authority on the budget or council tax there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- (d)* *Where immediately after a vote is taken any member so requires, there shall be recorded in the minutes whether that person voted for the question or against the question or abstained.*
- (e) Except in the case of a vote taken under any provision of Standing Orders 48 (Guillotine) 49 (Minutes) or 50 (Disorderly Conduct), at least one full minute before a vote is taken at a meeting of Full Council, a bell shall be rung to draw members' attention to the impending vote.
- (f) For the purpose of voting and for recording votes at meetings of Full Council, members shall be present and seated in their places.
- (g)* *In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.*
- (h)* *Once a vote has been taken on any matter, the matter shall not be reconsidered by the meeting other than to clarify any points or if the matter is a procedural matter only.*

48. The Council Guillotine Procedure

- (a) Every ordinary meeting of Full Council shall terminate no later than 10:30pm provided that Full Council may decide to adjourn the meeting to a specified date on a motion to this effect being proposed and put to the vote without discussion.
- (b) If the meeting is not adjourned, then any outstanding items of business shall be dealt with as follows:
 - (i) in the case of reports from committees and sub-committees and reports of Chief Officers the Mayor shall invite motions to be proposed in respect of them. Any such motion(s) shall be moved without supporting comment and voted upon without debate. If no such motion is proposed, or if three successive motions are voted upon and defeated, the matter shall be adjourned to the next Ordinary Meeting of Full Council.
 - (ii) any other business shall be adjourned to the next ordinary meeting of Full Council.

49.* Minutes

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

50. Disorderly Conduct

- (a) If at any meeting of any part of the Council any member is, in the opinion of the person chairing the meeting, guilty of misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, then the Chair or any other member may move "That [Councillor X] not be heard further", and the motion shall be put and determined without discussion.
- (b) If the member named is guilty of further misconduct after a motion under the foregoing sub-paragraph has been carried the Chair shall:-
 - (i) move "That [Councillor X] shall now leave the meeting" and the motion shall be put and determined without discussion. If the Chair's motion is carried and the member(s) concerned fail(s) to leave the meeting, the Chair shall take such action, as he/she deems appropriate in the circumstances to bring the member(s) concerned to order; or
 - (ii) adjourn the meeting for such period, as the Chair shall consider expedient.
- (c) In the event of general disturbance which, in the opinion of the Chair of a meeting, renders the due and orderly despatch of business impossible, the Chair may adjourn the meeting for such period as the Chair shall consider expedient.
- (d) Members shall not at any time make any improper remark nor use unseemly language nor make offensive gestures nor make personal attacks on any person.
- (e) The Chair may call a member to order for irrelevance, repetition, imputation of dishonourable conduct or improper remark, unseemly language, offensive gestures or any breach of order and may direct a member if speaking to discontinue their speech.
- (f) If a member of the public interrupts the proceedings at any meeting the Chair shall warn them that if they continue to interrupt the proceedings of the meeting he or she may be removed from the meeting room, as the case may be. If they continue the interruption the Chair shall order their removal from the meeting

room. In case of general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared.

- (g) Members of the press and public may be excluded from Council meetings either in accordance with the Access to Information Rules in part 6 of the Constitution or Standing Order 50(f).

51. Smoking and Mobile Phones at Meetings

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

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

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

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

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

- (j)(h) Co-opted members may be appointed to committees and sub-committees in accordance with Standing Order 54 and the rules for membership for committees and sub-committees contained in Part 5 of the Constitution.

54. Independent and Co-opted Members

- (a) The Council shall appoint one co-opted non-voting Member ~~and an alternate~~ to its Standards Committee and one co opted non voting member for the Audit Committee.The Council shall also appoint up to 4 non voting co opted members on its Corporate Parenting Committee.
- (b) The co opted Independent Members shall hold office for up to two years or until the date of the Annual Meeting nearest to the expiry of that two year period (or until the date of the meeting of Full Council that takes place after that Annual meeting to agree appointments to committees). Such appointments shall be subject to confirmation by Full Council at each Annual Meeting that follows the appointment (or at the meeting of Full Council that takes place after the Annual Meeting to agree appointments to committees as the case may be).
- (c) The ~~M~~membership of the ~~Children and Young People Overview and~~ Scrutiny Committee and any other Council committee or sub-committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the ~~Cabinet Executive~~ shall include as Voting Co-opted Members, 2 parent governor representatives, 1 representative nominated by the Diocesan Board of Education for any Church of England Diocese which falls within the Council's area and 1 representative nominated by the bishop of any Roman Catholic Diocese which falls within the Council's area and such representatives shall be appointed by the appropriate appointing body.
- (d) The term of office of the parent governor Voting Co-optees appointed under paragraph (c) of this Standing Order shall be 3 years (or less if otherwise so determined by Full Council).
- (e) The ~~M~~membership of the ~~Children and Young People Overview and~~ Scrutiny Committee and any other Council Committee or sub-committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the ~~Cabinet Executive~~ may include 2 Non Voting Co-opted Members who represent the governing bodies of schools which are faith schools not covered in paragraph (c) above and such representatives shall be appointed by the appropriate appointing body.
- (f) A Co-opted Member appointed under this Standing Order shall be entitled to receive all papers and take part in the entire discussion that takes place at a meeting of the relevant committee or sub-committee and Voting Co-opted Members shall be entitled to vote on any question which falls to be decided at the meeting and which relates to any education functions which are the responsibility of the ~~Cabinet Executive~~ as determined by the Director of Legal and Procurement or his or her representative.
- (g) No Voting Co-opted Member appointed by Full Council shall be entitled to act as a Co-opted Member until they have delivered to the Monitoring Officer a signed undertaking agreeing to be bound by the Brent Members Code of Conduct and shall register any interest which by that Code they are required to so register in the Register of Member Interests.

- (h) No Non-voting Co-opted Member shall be entitled to act as a Non Voting Co-opted Member until they have delivered to the Monitoring Officer a signed undertaking in a form notified to them by the Director of Legal and Procurement.

55. Appointment of and Changes to Alternate Members

- (a) The Council may appoint a pool of substitute members from which a member may be selected to first alternate member to attend, speak and vote in the absence of a each member of the a committee and a second alternate member to attend, speak and vote in the absence of each member and his or her first alternate, provided that the substitute member in either case that the alternate member is not already a member of the committee. Each pool shall number up to the number of members comprising membership of the committee and be divided according to the political balance on the committee, save that where a group has only one member on the committee up to two members may be appointed to the pool. A member of a committee (or the appropriate appropriate Group Whip) shall notify the Democratic Services ManagerHead of Executive and Member Services at least two hours before a meeting that a substitute member will be attending in their place.
- ~~(b) The Council may appoint non-voting co-opted Members as first and second alternates of the Standards Committee.~~
- (b) A parent committee may appoint a pool of substitute alternate members to its sub-committees in the same manner as is described in (a). ~~and (b) above.~~
- (c) No member is able to act as a substitute. If, apart from this part of the Standing Order, a person would otherwise be entitled to act at the same time as an alternate for more than one primary member of the committee at any one time, that person shall be the alternate for the member whose surname has alphabetical priority.
- (d) Any member acting as an alternate substitute shall notify the meeting as soon as he or she arrives, and once the meeting has received such notification, that member shall be duly appointed for the remainder of the meeting (which, for the avoidance of doubt, includes a meeting adjourned to continue on a subsequent day) to the exclusion of the member for whom he or she is substituting alternating.

56. Special Meetings of Committees or Sub-Committees

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

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

- (a) The Chair of a committee meeting may specify a time at which the committee shall adjourn for twenty minutes or two times at which the committee shall adjourn

- (b) In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.
- (c) Voting at a meeting of a committee or sub-committee shall be by show of hands.
- (d) On the requisition of one member of the committee or sub-committee made before any vote is taken by show of hands and supported by not less than half of the members of the committee or sub-committee then present, voting shall be recorded so as to indicate whether each member present has voted for the motion, against it or abstained.
- (e) Where immediately after a vote is taken any member of the committee or sub-committee so requires, there shall be recorded in the minutes whether that person voted for the question or against the question or abstained.

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

- (a) Subject to paragraph (b) below, the time specified on the summons for commencement of a committee or sub-committee meeting shall not be later than 10.15pm-9.30pm unless the Chair is satisfied on reasonable grounds that:-
 - (i) each item of business to be transacted at that committee or sub-committee meeting should be dealt with as a matter of exceptional urgency; and
 - (ii) the meeting cannot be called to commence at an earlier hour without undue inconvenience.
- (b) The summons for a committee or sub committee meeting may specify that the meeting will commence at the time specified on the summons or upon the rising of another meeting of the Council, committee or sub-committee, if later.
- (c) Subject to paragraphs (d) and (e) below, transaction of business at every committee or sub-committee meeting shall end no later than 10.30pm provided that if at 10.30pm there is business not yet dealt with which the committee or sub-committee considers would be more conveniently dealt with on that day rather than on a subsequent day, the meeting may continue until not later than 10.30pm in accordance with the following procedure (which shall be known as "the guillotine procedure"):-
 - (i) the meeting shall identify those items of business to be transacted;
 - (ii) unless the meeting decides otherwise, the items of business so identified will be taken in the order determined by the last procedural resolution establishing the order of business, or, in the absence of such a procedural resolution, in the order set out in the agenda accompanying the summons for the meeting;
 - (iii) members will be permitted to ask questions of officers but will not be allowed to make speeches unless the meeting decides otherwise.
- (d) The Planning Committee, the Alcohol & Entertainment Licensing Sub-Committees, the General Purposes Licensing Sub Committee and the Standards Committee may by majority vote taken no later than 10.03pm, decide to:-
 - (i) fix such time as they may choose for the transaction of business to end provided that no business shall be transacted later than midnight; and/or

- (ii) disapply the guillotine procedure entirely or fix such later time as they may choose for that procedure to commence.
- (e) Paragraph (c) above shall not apply to:- (i) meetings of the Senior Staff Appointment Sub-Committee, the Staff Appeals Sub-Committees, or Schools Disciplinary Sub-Committee; and
 - (i) any meeting of a committee called to determine the size and political balance or membership of one or more of its sub-committees or to remove or appoint the Chair or Vice Chair of such a sub-committee.
- (f) Any items not dealt with at the time a meeting closes shall be considered at the next meeting of the same committee or sub-committee or at such earlier meeting of that committee or sub-committee as the Chair shall determine.
- (g) Where a meeting is adjourned to a subsequent day to transact remaining business, the committee or sub-committee shall, notwithstanding that adjournment, have power to deal with the business in question at any earlier meeting on the summons or agenda for which the relevant business is specified.

67. Minutes of Committees and of Sub-Committees

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

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

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

contracts on the Council's behalf. Appropriate arrangements shall be implemented to monitor any procurement managed by consultants.

93. Appointment to the Evaluation Panel

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

94. Prior Information Notice

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

95. Inviting Tenders for Contracts Subject to Full EU Rules

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

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

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

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

(b) Single Stage Tender

Tenders shall be invited by way of public notice published ~~in at least one local newspaper and at least one relevant trade journal on the London Tenders Portal~~ and by such other additional means as is considered appropriate, stating the nature of the contract being tendered and stating the last date when Tenders will be accepted which shall not normally be less than 21 days after the date that the notice was first published. The estimated value of the contract may also be included.

(c) Two-Stage Tender

- (i) Expressions of interest shall be invited by public notice ~~in at least one local newspaper and at least one relevant trade journal published on the London Tenders Portal~~ and by such other additional means as is considered appropriate, stating the nature of the contract being tendered stating the last date when expressions of interest will be accepted which shall not normally be less than 21 days after the date that the notice was first published.

PART 4

RESPONSIBILITY FOR FUNCTIONS

General

Powers Delegated to Officers

Exemptions Restrictions and Limitations on Powers Delegated to Officers

Acquiring, managing and disposing of land and buildings

Decisions by individual members

Decisions to be taken only by Full Council

Table 1 Functions which cannot be exercised by the [Cabinet Executive](#)

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

Table 3 Functions not to be the sole responsibility of the [Cabinet Executive](#)

Table 4A The Membership and Terms of Reference of the Highways Committee of the [Cabinet Executive](#)

Table 4B The Membership and Terms of Reference of the Barham Park Trust Committee of the [Cabinet Executive](#)

Table 5 Proper and Statutory Officer Provisions

Table 6 List of functions that may only be

exercised by Full Council

RESPONSIBILITY FOR FUNCTIONS

1. General

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

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

Other persons so authorised where the law permits.

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

1.2 This Council operates a Leader and Cabinet executive Model. The Leader and Councillors appointed to the Cabinet are collectively referred to as the Cabinet.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 give effect to section ~~13~~ 9D of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive Cabinet, which functions may (but need not) be the responsibility of the ~~Executive Cabinet~~ ('Local Choice Functions') and which functions are to some extent the responsibility of the Executive Cabinet. All other functions not so specified are to be the responsibility of the Executive Cabinet. These Regulations have been amended from time to time and those amendments are reflected in this Constitution. ~~1.4~~ This Part of the Constitution and the Tables set out below describe whether the various functions of the Authority Council are 'Council functions' or 'Executive Cabinet' functions' and whether, in either case, those functions have been delegated by the Council in the case of Council functions, or the Leader in the case of executive functions, to a committee, sub-committee, joint committee, officer or other person or body, or delegated by the Leader in the case of executive functions in accordance with 1.3 below

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

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

- (i) Report the change to the Council or;
- (ii) Notify the Director of Legal and Procurement in writing of the change

And no change shall be effective until either (i) or (ii) has been complied with. The Director of Legal and Procurement shall as soon as practicable report any change notified to him/her to Fullthe-Council.

- 1.5 Table 1 sets out the functions, listed in Schedule 1 to the Regulations (as amended), which cannot be the responsibility of the Executive-Cabinet and specifies which part of the Authority will be responsible for them. It also specifies to whom, if anyone, those functions have been delegated. For instance, in the case of development control, all functions are delegated to the Strategic Director Regeneration and Growth and/or the Head of Area Planning except those which are specified as being the responsibility of the Planning Committee.
- 1.6 Similarly, Table 2 sets out the Local Choice Functions which may or may not be the executiveCabinet responsibilityies of the Executive and specifies which part of the Authority will be responsible for them. It also specifies to whom, if anyone, those functions have been delegated by the Council in the case of Council functions, or the Leader in the case of Eexecutive functions. For instance, functions under local Acts of Parliament are included here and so may lawfully be exercised either by the Council or Executive Cabinet. Table 2 specifies whether, in Brent, they will be Executive-Cabinet or Council functions.
- 1.7 Table 3 sets out the functions which are not to be the solely-executive responsibilitiessole responsibility of the Executive. So far as those functions are to be executive functions, the Leader has agreed to arrange for these functions to be carried out by the ExecutiveCabinet. The Table describes the plans, policies and strategies, which form the Authority's Policy Framework and specifies what role the Executive-Cabinet will play in relation to those plans, policies and strategies. Essentially, the Executive-Cabinet will develop and consult on the plans, policies and strategies listed and will then refer them to Full Council for consideration and approval. If approved, the Executive-Cabinet will then be responsible for implementing themensuring they are implemented.
- 1.8 Table 4A sets out the functions to be exercised by the Highways Committee which is a sub-committee of the Executive-Cabinet appointed by the Leader. Table 4B sets out the functions to be exercised by the Barham Park Trust Committee which is a sub-committee of the Executive appointed by the Cabinet-Leader.
- 1.9 Part 5 of the Constitution describes the membership and terms of reference for the Council committees and sub-committees. These are:-
- Standards Committee
 - Audit Committee
 - One Council Overview andThe Scrutiny Committee
 - Partnerships and Place Overview and Scrutiny Committee
 - Health Partnerships Overview and Scrutiny Committee
 - Budget and Finance Overview and Scrutiny Committee
 - Children & Young People Overview and Scrutiny Committee
 - Call-in Overview and Scrutiny Committee
 - General Purposes Committee
 - Pension Fund Sub-Committee

- Senior Staff Appointments Sub-Committee
- Staff Appeals Sub-Committees A and B
- ~~Schools Disciplinary Sub-Committee~~
- Planning Committee
- ~~General Purposes Licensing Sub-Committee~~
- Alcohol and Entertainment Licensing Committee
- Alcohol and Entertainment Licensing Sub-Committees A, B and C
- Corporate Parenting Committee

- 1.10 In addition to the powers described in the Tables as being specifically delegated to officers, any other Council and ~~e~~Executive functions are delegated to officers in accordance with paragraph 2, 'Powers Delegated to Officers'.
- 1.11 Table 5 sets out the 'proper officers' designated for the purposes of certain statutory provisions. Any reference in any Act or any part of this Constitution to 'the proper officer' will be a reference to the person so specified in the Table but if none is specified, the Chief Executive or a person nominated by him or her for the purpose will be identified. Any other function not otherwise specified in the Tables or elsewhere in this Constitution is the responsibility of the ~~Executive Cabinet~~, unless specifically precluded by law from so being, in which case it shall be the responsibility of the General Purposes Committee (unless specifically reserved to Full Council in which case it shall be exercised by Full Council).
- 1.12 All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Standing Orders and Financial Regulations and this Part 4 and Part 5.
- 1.13 In exercising any function or making any decision, the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.
- 1.14 A number of joint committees have been established with other London Boroughs under the umbrella of the London Councils. The London Council's Committee and the Transport and Environment Committee exercise executive and non-executive functions. The terms of reference and make up of these committees and the sub-committee are described in Part 5.

2. Powers Delegated to Officers

- 2.1 Those officers named in the Tables or elsewhere in the Constitution have delegated to them the powers specified therein but subject to the limitations specified therein. For the avoidance of doubt, this includes an officer appointed to a named post on an acting interim or temporary basis.
- 2.2 References in this Part 4 to a 'director' or 'relevant director' are references to one or more of the officers specified in paragraph 2.4 below.
- 2.3 The Chief Executive may exercise any functions delegated to other officers and may delegate decisions or functions to one or more officers in any of the Council's ~~directorates~~ departments unless expressly prohibited by law from doing so. The Chief Executive shall also have authority to carry out all executive functions in the interim in the event of there being no Leader, or Deputy Leader appointed and insufficient members of the executive appointed to achieve a quorum.→
- 2.4 The Chief Executive and Strategic Directors listed below shall have responsibility for the following general and related areas:-

4. Acquiring, managing and disposing of land and buildings

- 4.1 Only the Operational Director Property and Projects may acquire or dispose of an interest in land or buildings. The restrictions placed upon such acquisitions or disposals are set out in paragraphs 4.2 and 4.3 below.
- 4.2 The Operational Director Property and Projects may dispose of or acquire freehold land or buildings up to a value, in his or her view, of £250k. The Operational Director Property and Projects may acquire or dispose of leases, licences, and easements in respect of land or buildings except where
- (i) the annual rental value (excluding other outgoings) exceeds 50k
 - (ii) if acquired or disposed of at a premium the value would, in his or her view, exceed 250k in value or
 - (iii) where the leasehold term exceeds 25 years
- 4.3 Where any disposal or acquisition of an interest land or buildings is, in the view of the Operational Director Property and Projects of a value over 150k and below 250k, or where any leasehold interest has an annual value over 25k or below 50k he or she shall consult with the Lead Member.
- 4.4 The Chief Finance Officer should be advised of any disposal or acquisition undertaken by this delegated authority within three months of any transaction.
- 4.5 All Members of the Executive the Cabinet will receive a report at least yearly on all these delegated authority transactions.
- 4.6 The Operational Director Property and Projects may not sell or grant any lease or easement, licence or otherwise dispose of any land or buildings unless the consideration received, as confirmed by the Operational Director Property and Projects is the best that can reasonably be obtained, whether or not the grant, sale or disposal is covered by a general or specific consent from the relevant Secretary of State.
- 4.7 Nothing in this paragraph 4 shall prevent the Strategic Director Regeneration and Growth from granting, in accordance with the Council's policies and procedures, any secure tenancy of housing accommodation nor from selling the leasehold or freehold interest in any residential property pursuant to the right to buy scheme or the voluntary sales scheme as promoted by the Secretary of State from time to time.
- 4.8 Nothing in this paragraph 4 shall prevent the Operational Director Property and Projects acquiring or disposing of freehold land or acquiring granting or disposing of leasehold land for any term of years or licences and easements in respect of land and buildings where:
- (a) there is an statutory entitlement to a freehold or leasehold interest arising from a claim made in respect of residential land under the statutory enfranchisement provisions of the Leasehold Reform, Housing and Urban Development Act 1993 or Leasehold Reform Act 1967 as amended or re-enacted or
 - (b) there is an statutory entitlement to a freehold or leasehold interest in accordance with the Academies Act 2010 as amended or re-enacted or other education legislation regulation order direction under education legislation or where the acquisition grant or disposal of a freehold or long leasehold term or easement is advised in accordance with a circular or guidance issued by the Secretary of State from time to time in respect of school land inclusive of the designation provision or conversion of a school into an academy or the provision of land for any school or

(c) statutory undertakers, telecommunication undertakings or other utilities are providing installations or equipment or laying cables pipes or other service media to in and over or through land or buildings

- 4.9 In acquiring, selling or disposing of any land or buildings or granting any lease, licence or easement in respect thereof regard shall be had to any relevant Corporate Standards on property acquisitions, management and disposals.
- 4.10 No person shall create or grant a service tenancy or service occupancy without the prior written approval of the Chief Executive.
- 4.11 In any cases where officers do not have or may not exercise delegated powers in respect of land or buildings the matter shall be determined by the ~~Cabinet~~Executive (unless precluded by law or the Constitution from exercising that power in which case the matter will be determined by the General Purposes Committee where possible or the Full Council if not possible).
- 4.12 For the avoidance of doubt the rules in this paragraph 4 do not apply to the adoption of highways and footways if there is no legal transfer of title to land.

5. Decisions by individual Members

At the present time ~~no member~~the Leader has not ~~are not delegated authority to members (including the Leader and members of the Executive) have authority~~ to make any individual decisions.

6. Decisions to be taken only by Full Council

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

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

RESPONSIBILITY FOR FUNCTIONS

<u>14AC</u> Functions relating to occasional use notices	<u>Section 39 of the 2005 Act.</u>	
<u>14B</u> Power to resolve not to issue a casino premises licence. Functions related to gambling licensing, including the power to resolve not to issue a casino premises licence	<u>Section 166 of the 2005 Act. Gambling Act 2005</u>	Full Council in respect of the power to resolve not to issue a casino premises licence under section 166 of the Gambling Act 2005
<u>14C</u> Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	<u>Section 304 of the 2005 Act.</u>	
<u>14CA</u> Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	<u>Section 284 of the 2005 Act.</u>	
<u>14D</u> Power to institute criminal proceedings	<u>Section 284 of the 2005 Act.</u>	
<u>14E</u> Power to exchange information.	<u>Section 350 of the 2005 Act.</u>	
<u>14F</u> Functions relating to the determination of fees for premises licences.	<u>The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007.</u>	
<u>14G</u> Functions relating to the registration and regulation of small society lotteries.	<u>Part 5 of Schedule 11 to the 2005 Act.</u>	
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	
16. Power to license performances of hypnotism.	The Hypnotism Act 1952.	

TABLE 4A

THE MEMBERSHIP AND TERMS OF REFERENCE OF THE HIGHWAYS COMMITTEE OF THE EXECUTIVE CABINET

Membership

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

Chair and Vice Chair

To be appointed by the Leader.

Quorum

3 Executive Cabinet members.

Terms of Reference

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

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

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

TABLE 4B

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

Membership

The sub-committee ~~is comprised of~~ 5 members of the Cabinet appointed by the ~~Executive Cabinet~~.

Chair and Vice Chair

To be appointed by the Barham Park Trust Committee

Quorum

3 ~~Cabinet Executive~~ members

Terms of Reference

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

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

The Committee shall meet not less than once per year.

PART 5

TERMS OF REFERENCE FOR COUNCIL COMMITTEES AND SUB- COMMITTEES

CORPORATE PARENTING COMMITTEE

Membership:

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

Terms of reference:

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

SCRUTINY COMMITTEE

Membership

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

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

Terms of reference

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

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

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

Limitations

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

GENERAL PURPOSES COMMITTEE

Membership

- The committee is comprised of ~~10~~ 8 councillors.

Terms of Reference

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

TERMS OF REFERENCE OF COUNCIL COMMITTEES AND SUB-COMMITTEES

- | ~~9.10.~~ To carry out any non-executive functions which are not the responsibility of any other person or Council committee or sub-committee, except where prevented by law from doing so or by any other provision in this Constitution.
- | ~~10.11.~~ To carry out any other functions which are non-executive functions and which have been delegated to its sub-committees or officers but which the relevant sub-committee or officer is for whatever reason unable or unwilling to so exercise.
- | ~~11.12.~~ ~~To carry out the Council's regulatory functions under the health and safety legislation.~~

PENSION FUND SUB-COMMITTEE

Membership

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

Terms of Reference

- ~~To determine the overall investment strategy and strategic asset allocation for the Brent Pension Fund, on the basis of advice from the Chief Finance Officer, the Independent Auditor and the investment managers.~~
 - ~~To appoint the investment managers for the Brent Pension Fund.~~
 - ~~To keep under review the investment managers performance and processes.~~
 - ~~To oversee the management and administration of the Brent Pension Fund.~~
 - ~~To determine matters referred to it by the Chief Finance Officer or the General Purposes Committee concerning the Council's functions under the Local Government Pension Scheme.~~
- To undertake statutory functions on behalf of the Local Government Pension Scheme and ensure compliance with legislation and best practice.
 - To determine policy for the investment, funding and administration of the pension fund.
 - To consider issues arising and make decisions to secure efficient and effective performance and service delivery.
 - To appoint and monitor all relevant external service providers for the Brent Pension Fund, namely:
 - fund managers;
 - custodian;
 - corporate advisers;
 - independent advisers;
 - actuaries;
 - governance advisers;
 - all other professional services associated with the pension fund.
 - To monitor performance across all aspects of the service.
 - To ensure that arrangements are in place for consultation with stakeholders as necessary
 - To consider the annual statement of pension fund accounts.
 - To consider and approve the Brent Pension Fund actuarial valuation

~~PART 9~~

~~Executive Arrangements and the Discharge of Executive Functions~~

~~Decisions of the Leader~~

~~The Leader's decisions in relation to Executive Arrangements and the Discharge of Executive Functions~~

~~Introduction~~

~~The Local Government Act 2000 vests certain powers and duties in relation to the Executive in the Leader. Most particularly the Act provides that the Leader shall make decisions in relation to the form and composition of the Executive. The Act also provides that functions which in this Council are the responsibility of the Executive are to be discharged by the Leader, or alternatively the Leader may make arrangements for the discharge of those functions by the Executive, another member of the executive, a committee of the executive or an officer of the Council.~~

~~This document sets out the manner in which the Leader has decided to discharge the main functions, powers and duties vested in him/her and the procedures the Leader has agreed to for the purposes of changing those arrangements.~~

~~Statement of the Leader~~

- ~~1. I confirm that the Constitution accurately reflects the decisions I have made in relation to the form and composition of the Executive and the arrangements for the discharge of executive functions.~~
- ~~2. I have delegated all of the executive functions to the Executive except for those which I have delegated to the Highways Committee and to officers and other persons or bodies as set out in the Constitution. I have arranged for executive decisions to be made by the Executive collectively and will not make any decisions alone, nor delegate sole decision making powers to others on the executive.~~
- ~~3. I will not make any changes to the discharge of these executive functions without written notification to the Democratic Services Manager and I agree that any changes I may make will not come into effect until reported to the next meeting of Full Council.~~
- ~~4. I have the authority to choose between two and nine members to the Executive. I agree to appoint nine members to the Executive. The details in relation to appointment, removal, allocation of portfolios etc are set out in the constitution.~~
- ~~5. I will notify the Democratic Services Manager in writing of any appointments to and changes to the Executive including the allocation of portfolios.~~
- ~~6. I will appoint a Deputy Leader as soon as reasonably practicable after my appointment as Leader who will remain in post until the annual meeting following his/her appointment. Shortly before each Annual Meeting I will notify the Democratic Services Manager of my choice of Deputy Leader. In the event that the post becomes vacant I will appoint a replacement. Details in relation to term of office, roles etc are as set out in the constitution.~~

~~Signed
Dated:~~