

PART 2

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- ensure that no one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

Interpretation of the Constitution

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

Monitor and Review of the Constitution

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

Changes to the Constitution

1.9 Adoption:

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

1.10 Changes:

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

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

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

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

1.11 Suspension of Standing Orders

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

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

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

Publication

- 1.13 The Head of Executive and Member Services will:

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

Responsibility for Functions

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

Article 11 – Other Bodies and Panels

Introduction

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

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

Adoption and Permanency Panel

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

- (v) one Special School Head;
- (vi) one Special School Governor;
- (vii) one Nursery School Head;
- (viii) one Nursery School Governor;
- (ix) one Voluntary Aided Sector representative; and
- (x) one Trade Union representative.

11.9 Number not in use

11.10 Number not in use

Brent Housing Partnership

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

Local Safeguarding Adults Board

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

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

(d) Terms of Reference of the Board:

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

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

(e) Membership

- (i) The Brent Local Safeguarding Adults Board will be chaired by an Independent Chair. Membership will be drawn from:

- Brent Council
 - Strategic Director Adults
 - Strategic Director of Children and Young People
 - Operational Director of Housing Services
 - Operational Director of Regulatory Services
- Metropolitan Police: Brent
- National Probation Trust
- Community Rehabilitation Company
- Brent Clinical Commissioning Group
- NHS England (London)
- North West London Healthcare NHS Trust
- Central and North West London NHS Foundation Trust
- London Ambulance Service
- Healthwatch
- London Fire Brigade
- Care Quality Commission
- Brent Community Voluntary Services
- Brent User/Carers Group
- Department for Work and Pensions
- Crown Prosecution Service

- (ii) Other membership of the LSAB who will act in an advisory/observer role will include:

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

Old Oak and Park Royal Development Corporation

- 11.13 (a) Under the Localism Act 2011 the Mayor of London has powers to establish a Mayoral Development Corporation ('MDC'). The Old Oak and Park Royal Development Corporation Establishment Order was made on 23 January 2015 and came into effect on 1 April 2015. The Old Oak and Park Royal Development Corporation (OPDC) has

been established to drive forward the regeneration of Old Oak and Park Royal in light of the proposed HS2 interchange. The corporation boundary includes land within Brent, Ealing and Hammersmith & Fulham. The OPDC can acquire planning functions for the area covered by the MDC. Pursuant to a Planning Order made by the MDC, which came into effect on 1 April 2015, the OPDC is the Local Planning Authority for the land within its boundary. The OPDC has a Planning Committee that includes one elected member from each of the three boroughs affected. The Council is represented on the Planning Committee by the Chair of its Planning Committee.

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

11.13 (c) Under the Localism Act 2011, the OPDC can delegate some of its planning functions back to the Council. On 2 March 2015, Full Council agreed that certain functions to be discharged by the Council on behalf of the OPDC be delegated to the Planning Committee and officers in accordance with the current arrangements for carrying out planning functions.

Pension Board

Membership

11.14 (a) The membership of the Pension Board shall consist of:

- 3 Brent Council Pension Fund employer representatives (2 Brent Council representatives and 1 representing an employer other than the Council)
- 3 Brent Council Pension Fund member representatives (2 Trade Union representatives and 1 pension scheme member)
- 1 independent member (chair)

11.14(b) No substitutes are permitted.

11.14 (c) Members of the Pension Board shall be appointed by the General Purposes Committee.

Terms of Reference

11.14 (d) Under the Local Government Pension Scheme Regulations 2013 (as amended):

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

PART 4

RESPONSIBILITY FOR FUNCTIONS

General

Powers Delegated to Officers

Exemptions Restrictions and Limitations on Powers Delegated to Officers

Acquiring, managing and disposing of land and buildings

Decisions by individual members

Decisions to be taken only by Full Council

Table 1 Functions which cannot be exercised by the Cabinet

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

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

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

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

Table 5 Proper and Statutory Officer Provisions

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

purpose will be identified. Any other function not otherwise specified in the Tables or elsewhere in this Constitution is the responsibility of the Cabinet, unless specifically precluded by law from so being, in which case it shall be the responsibility of the General Purposes Committee (unless specifically reserved to Full Council in which case it shall be exercised by Full Council).

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

2. Powers Delegated to Officers

- 2.1 Those officers named in the Tables or elsewhere in the Constitution have delegated to them the powers specified therein but subject to the limitations specified therein. For the avoidance of doubt, this includes an officer appointed to a named post on an acting interim or temporary basis.
- 2.2 References in this Part 4 to a 'director' or 'relevant director' are references to one or more of the officers specified in paragraph 2.4 below.

~~2.3~~ ~~2.3~~ — The Chief Executive may exercise any functions delegated to other officers and may delegate decisions or functions to one or more officers in any of the Council's departments unless expressly prohibited by law from doing so.

~~2.3.1~~ The Chief Executive shall also have the authority to carry out all executive functions in the interim in the event of there being no Leader, or Deputy Leader appointed and insufficient members of the Cabinet appointed to achieve a quorum.

~~2.3.2~~ ~~Exceptionally, notwithstanding anything in this Constitution, the Chief Executive shall be authorised to exercise either executive or non-executive functions where the matter is urgent unless this is prohibited by law.~~

~~2.3.3~~ ~~If the Chief Executive acts in the circumstances set out in paragraphs 2.3.1 and 2.3.2 above, the Chief Executive shall notify, as appropriate, the Leader or Deputy Leader of the Council, the Lead Member with portfolio responsibility for the matter to which the decision relates and the Leader of the Principal Opposition Group of any such action.~~

- 2.4 The Chief Executive, Chief Operating Officer and Strategic Directors listed below shall have responsibility for the following general and related areas:-

(a) Chief Executive:

Head of Paid Service. Managerial leadership of the Council including responsibility for overall corporate management and operational responsibility for all staff. Providing and securing of advice to the Council,

PART 5

TERMS OF REFERENCE FOR COUNCIL COMMITTEES AND SUB- COMMITTEES

Introduction

Health and Wellbeing Board

Standards Committee

Audit Committee

Corporate Parenting Committee

Scrutiny Committee

General Purposes Committee

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

Planning Committee

Alcohol & Entertainment Licensing Committee

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

[Equalities Committee](#)

Joint Committees

Equalities Committee

Membership

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

Terms of Reference

1. To oversee the council's achievement and maintenance of the Excellent Standard in the Equalities Framework for Local Government.
2. To monitor the progress of the Equalities & HR Policies Review Action Plan.
3. To meet quarterly.