

Appendix 1

PART 2

ARTICLES

- Article 1 The Constitution**
- Article 2 Members of the Council**
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- Article 5 The Mayor**
- Article 6 Scrutiny Committee**
- Article 7 The Cabinet**
- Article 8 Regulatory and other Committees**
- Article 9 The Standards Committee**
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- Article 12 Joint Arrangements**
- Article 13 Officers**
- Article 14 Decision Making**
- Article 15 Finance, Contracts and Legal Matters**

- 7.19 In the event of there being no Leader or Deputy Leader appointed and an insufficient number of members of the Cabinet appointed to achieve a quorum, all 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 Cabinet in his/her absence, or if the post is vacant.

Proceedings of the Cabinet

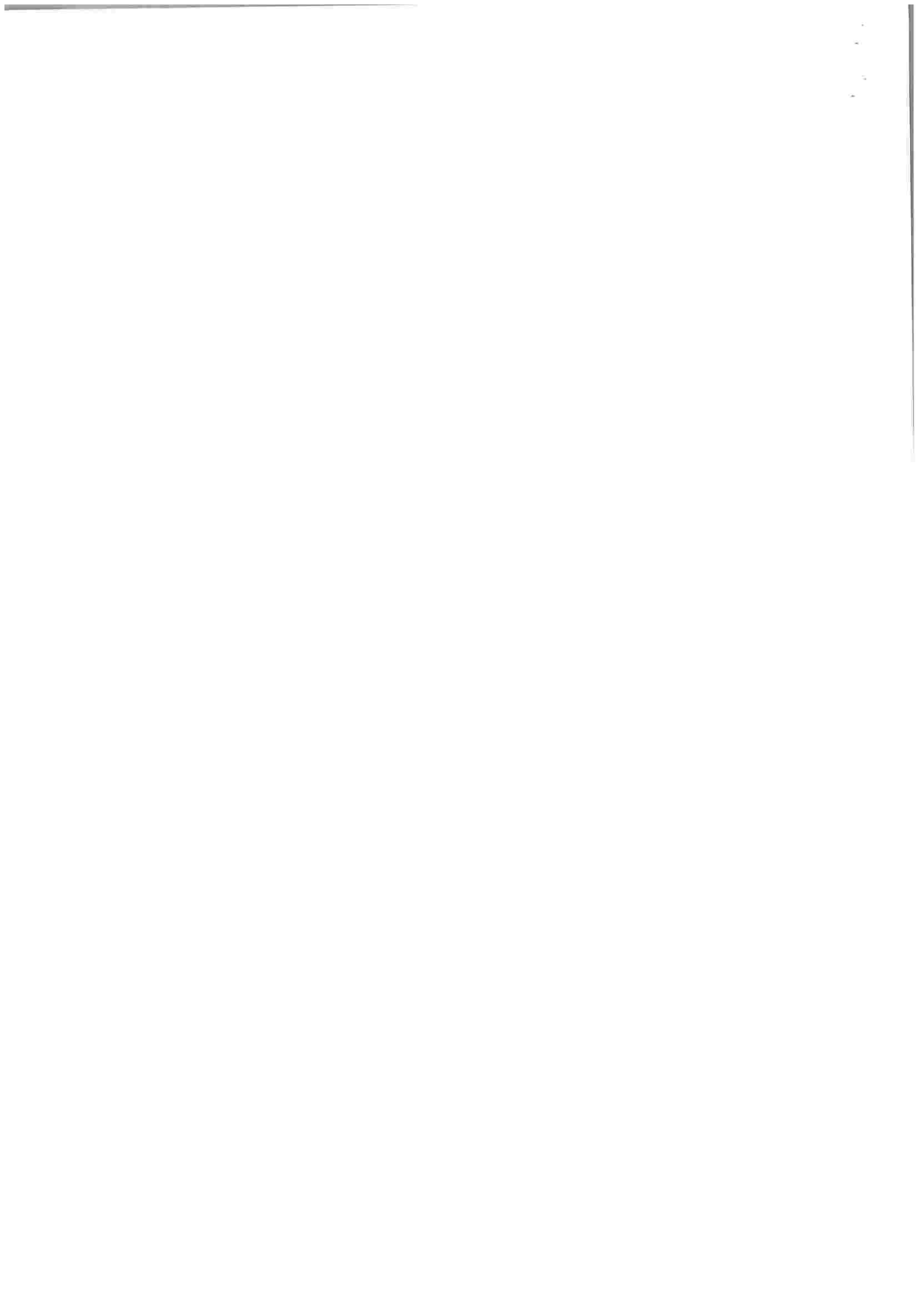
- 7.21 Proceedings of the Cabinet take place in accordance with Standing Orders, where applicable. The Cabinet's decision-making meetings are held in public except where confidential or exempt information would be discussed.

Responsibility for the discharge of executive functions

- 7.22 Executive functions may be exercised by the Leader, or the Leader may delegate those functions to the Cabinet as a whole, a committee of the Cabinet, a joint committee, another Local Authority, an individual Cabinet member, or officers. The Cabinet may arrange for executive functions delegated to it to be carried out by a committee of the Cabinet, a joint committee, another Local Authority, an individual Cabinet member or an officer.
- 7.23 The Leader has agreed to delegate all executive functions to the Cabinet except those which he/she has delegated to the Highways 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 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 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 Chief Legal Officer or Full Council and that such notified changes shall only be effective from that date.

Cabinet Committees

- 7.26 The Leader has established a Highways Committee. 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 Cabinet as set out in Parts 3, 4 and 6 of this Constitution.
- 7.27 The 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

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13. Vote of No Confidence
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17. Meetings and decisions of the Cabinet
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THE EXECUTIVE ARRANGEMENTS

11. Form of Executive Arrangements

The Council will operate a Leader and Cabinet model of Executive arrangements and they are collectively called the Cabinet.

12. Appointment of the Cabinet

- (a) The Cabinet shall be appointed in accordance with Article 7 of the Constitution

13. Vote of No Confidence

- (a) The Leader shall cease to hold office following a vote of no confidence in him/her. A motion in respect of the vote of no confidence shall be debated by Full Council if, at least 10 clear working days before the meeting at which the motion is to be considered, it has been signed in accordance with Standing Orders 5 and 6 by at least 40% of the members of the Council and the motion proposes an alternative Leader. If such a motion is passed the new Leader shall hold office for the remainder of the previous Leader's term of office.

14. Executive Functions

- (a) All functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution are the responsibility of the executive.
- (b) The Leader may exercise those functions, or may delegate those functions to the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet, or officers. Where the Leader has arranged for the discharge of executive functions by the Cabinet, the Cabinet may arrange for the discharge of those functions by a committee of the Cabinet, an individual member of the Cabinet or an officer. Both the Leader and Cabinet may also exercise executive functions jointly with other local authorities including (but not limited to) joint committee arrangements.
- (c) The Leader has agreed to delegate all executive functions to the Cabinet except those which he/she has delegated to the Highways Committee or others as set out in Part 4 of the Constitution.

15. The Forward Plan

- (a) The Head of Executive and Member Services shall in accordance with the Access to Information Rules, publish a Forward Plan of the matters in respect of which Key Decisions will be made by the Cabinet (including officers making Key Decisions) and any other matter which the Head of Executive and Member Services considers should be included in the Forward Plan.
- (b) Except as provided for in Standing Order 16 all decisions to be taken by the Cabinet must be included in the Forward Plan in accordance with the Access to Information Rules.

16. Urgent Decisions not on the Forward Plan

- (a) If the Cabinet (including officers making Key Decisions) is proposing to take a decision which is not included in the Forward Plan then the decision may only be taken if:-

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

arrangement unless the prior written approval of the Chief Finance Officer has been obtained.

(j) **Personal interests:**

The officer concerned has a personal or private interest in the matter.

(k) **Transfer or redundancy:**

The exercise of that function or the making of that decision would or would be likely to result in transfers of staff to or from the Council of more than 20 people or redundancies of more than 20 people.

(l) **Significant or unusual risk:**

The exercise of that function or the making of that decision would or would be likely to expose the Council to a significant or unusual level of risk, financial or otherwise, as determined by the Chief Executive, the Chief Finance Officer, the District Auditor or the Chief Legal Officer.

(m) **Closure of a facility or reduction in services:**

The exercise of that function or the making of that decision would result or would be likely to result in the permanent closure of a facility used by the public or a permanent and significant reduction in the level of services or facilities provided to the public other than where such closure or reduction in service is considered necessary by the relevant director for reasons of health and safety.

(n) **Call In:**

The matter is called in for scrutiny in accordance with Standing Orders prior to being implemented.

(o) **Charges and Fees:**

The decision relates to the setting, levying or increase of any fees or charges to any member of the public in respect of a Council service (other than room lettings and copying charges).

(p) **Some other reason:**

The Chief Executive considers that the matter should not for some reason be considered by officers.

- 3.2 In cases where an officer is prevented from exercising any function delegated to him or her by virtue of any of the above or where he or she or the Chief Executive decides that they cannot or should not exercise the function then that function shall be exercised by the person or body who would otherwise have responsibility for that function, or the General Purposes Committee if none other is specified (unless it is a matter which is reserved to Full Council).

4. Acquiring, managing and disposing of land and buildings

- 4.1 Only the Strategic Director Regeneration and Growth and 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 Strategic Director Regeneration and Growth and 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 Strategic Director Regeneration and Growth and 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 Strategic Director Regeneration and Growth and 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 Cabinet will receive a report at least yearly on all these delegated authority transactions.
- 4.6. The Strategic Director Regeneration and Growth and 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 ~~in 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 Strategic Director Regeneration and Growth and 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

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

Dismissal Advisory Panel

Joint Committees

Health and Wellbeing Board

Membership

- 5 elected councillors to be nominated by the Leader of the Council. Four councillors will be Cabinet members from the majority party. The fifth member will be ~~from an opposition party member~~. An elected councillor will chair the Health and Wellbeing Board
- 4 representatives of Brent CCG
- A representative of Health Watch
- Chief Executive, London Borough of Brent
- Director of Adult Social Care
- Director of Children's Services
- Director of Public Health
- ~~Strategic Director Regeneration and Growth~~ ~~Director of Environment and Neighbourhood Services~~

At least one of the Brent CCG members shall be a GP.

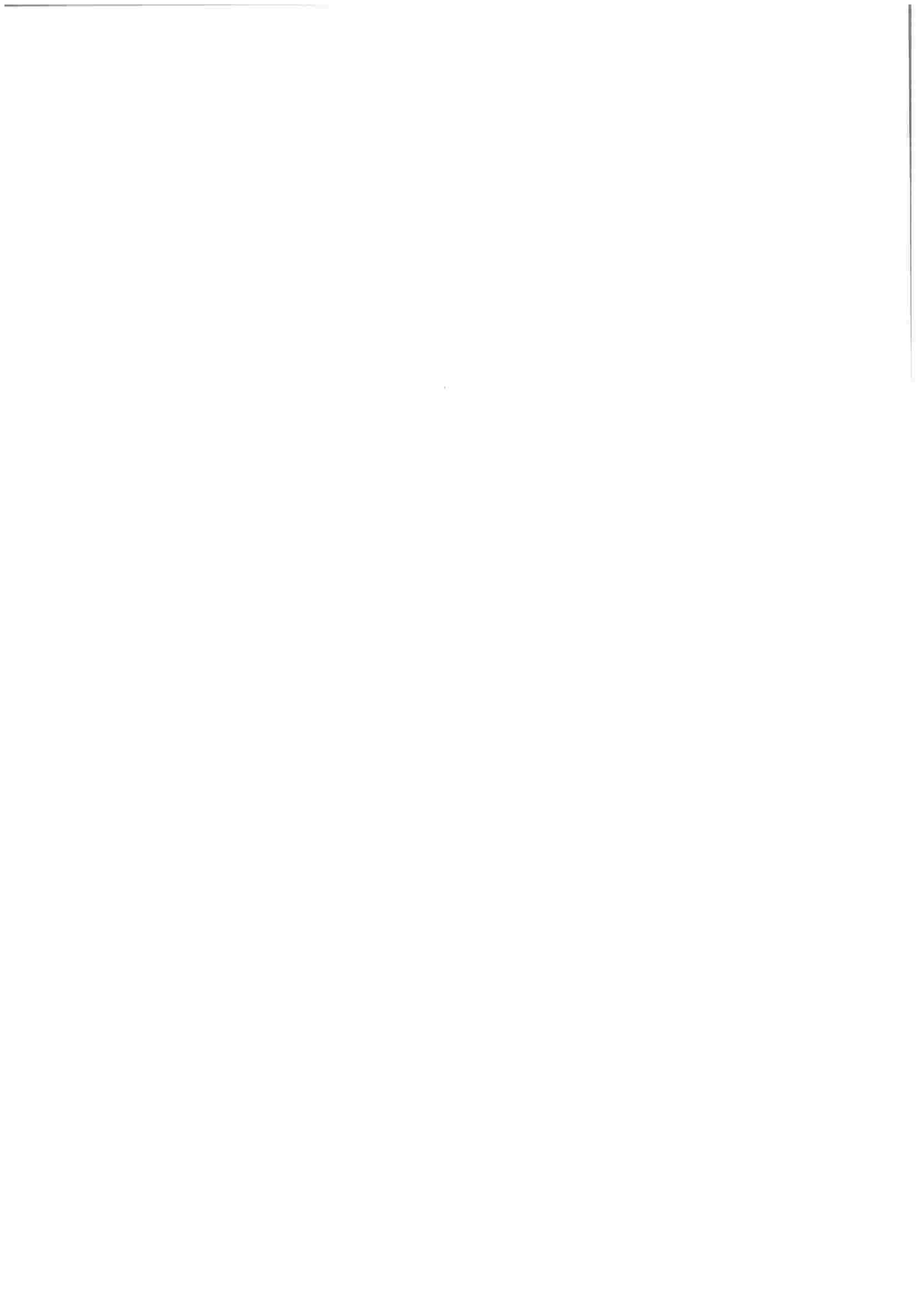
All members of the Health and Wellbeing Board have voting rights, except council officers.

The quorum for the Health and Wellbeing Board be four voting members, with at least two councillors and two other voting members present in order for a meeting to take place.

Terms of Reference

Brent's Health and Wellbeing Board will:

1. Lead the improvement of health and wellbeing in Brent, undertaking duties required by the Health and Social Care Act 2012.
2. Lead the needs assessment of the local population and subsequent preparation of the borough's Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy and ensure that both are updated at regular intervals.
3. Oversee the implementation of the priorities in the borough's health and wellbeing strategy and other work to reduce health inequalities in Brent.
4. Develop initiatives between the council and health service partners to improve health and wellbeing, focussing on tackling Brent's health inequalities.
5. Promote integration and partnership working between health, social care and public health by developing joined up commissioning plans.
6. Provide steer and oversight to CCG and social care commissioning plans to ensure they meet the borough's health needs and the wider strategic plans for health and social care.



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 ensure the Council's plans and practice reflect current and future equalities legislation and guidance.

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~~1.2.~~ To oversee the council's achievement and maintenance of the Excellent Standard in the Equalities Framework for Local Government.

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~~2.~~ To monitor the progress of the Equalities & HR Policies Review Action Plan.

~~3. To meet quarterly.~~

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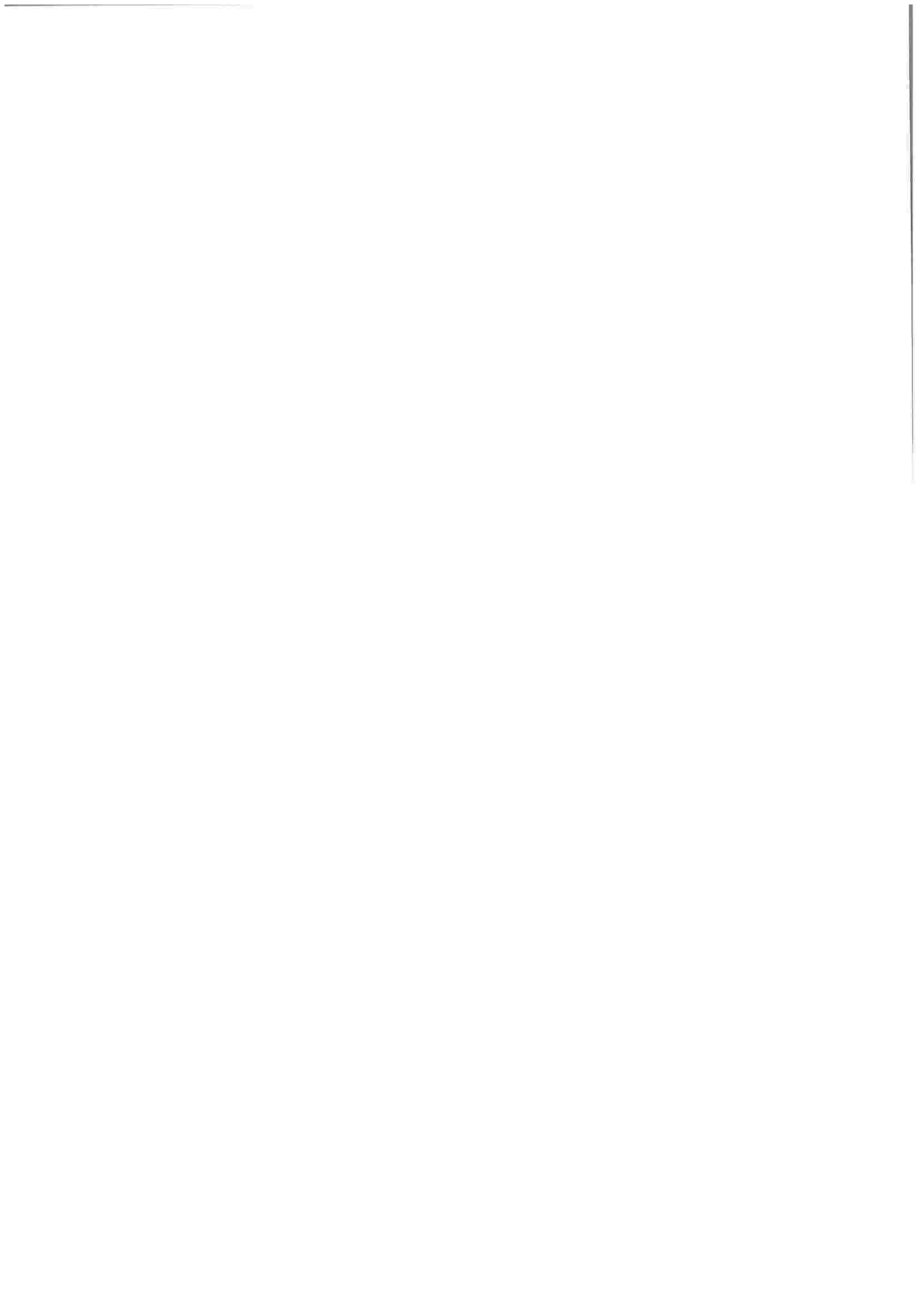
DISMISSAL ADVISORY PANEL

Membership

- The Panel comprises 3 independent persons appointed under s26(7) of the Localism Act 2011 and in accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the 2015 Regulations).
- The Panel shall be appointed at least 20 working days before any meeting of Full Council to consider whether or not to approve a proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer for any reason other than redundancy, permanent ill-health or infirmity of mind or body.

Terms of reference

1. The function and remit of the Panel are as set out in the 2015 Regulations. Accordingly, the Panel can give advice, express its views and make recommendations to Full Council before it meets to consider whether or not to approve a proposal to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer.²



TERMS OF REFERENCE OF COUNCIL COMMITTEES AND SUB-COMMITTEES

Duration

The Joint Health Overview and Scrutiny Committee will continue until March 2018, to match the planned implementation timeframe for the Shaping a Healthier Future programme. During this period, the committee will also hold an annual review in May each year, or as soon as practical thereafter, where it will consider and decide whether there is a need for the Joint Health Overview and Scrutiny Committee to continue or whether it has fulfilled its remit and should terminate earlier than 2018. This does not preclude individual local authorities from leaving the Joint Health Overview and Scrutiny Committee before this date. Should there be any proposals for a Joint Health Overview and Scrutiny Committee beyond this date, this would need to be considered by each participating authority in line with its own constitution and policies.

WEST LONDON ECONOMIC PROSPERITY BOARD

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Membership

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1 member from each participating borough. Brent Council will be represented by the Leader or a person nominated by him/her.

Terms of Reference

The participating boroughs have agreed arrangements for certain of their functions to be discharged jointly with the intention of promoting economic prosperity in West London as detailed in the Board's Functions and Procedure Rules and other governance documentation.

