

 <p>Brent</p>	<p align="center">Full Council</p> <p align="center">7 September 2015</p> <p align="center">Report from the Chief Legal Officer</p>
<p>For Action Wards Affected: ALL</p>	
<p>Changes to the Constitution</p>	

1.0 Summary

- 1.1 This report sets out proposed changes to the Constitution relating to the West London Economic Prosperity Board; the exercise and delegation of executive functions by the Cabinet; property acquisition and disposal delegations; the Licensing Act 2003 policy statement; the terms of reference of the Equalities Committee and the membership of the Health and Well-being Board. The report also sets out minor and other technical changes to the Constitution made by the Chief Legal Officer.

2.0 Recommendations

- 2.1 That Full Council agree the changes to the Constitution shown marked up in Appendix 1 and authorise the Chief Legal Officer to make consequential changes;
- 2.2. That Full Council note the minor and other technical changes to the Constitution made by the Chief Legal Officer shown marked up in Appendix 2.

3.0 Detail

West London Economic Prosperity Board

- 3.1 At its meeting on 27 July 2015, the Cabinet resolved to establish a Joint Committee to be known as the “West London Economic Prosperity Board” in partnership with Barnet, Ealing, Harrow and Hounslow London Borough Councils. It is anticipated, however, that membership of the Board will be extended to other West London Authorities (WLA) in due course. The Leader,

or a person nominated by him, will take up membership of the Board on behalf of Brent Council.

- 3.2 Once all the WLA participating boroughs have agreed the arrangements, certain of their functions will be discharged jointly with the intention of promoting economic prosperity within the local government areas of the participating boroughs.
- 3.3 It is proposed that the establishment of the Board be recorded in Part 5 of the Constitution (see Appendix 1).

Exercise and delegation of executive functions by the Cabinet

- 3.4 The Constitution contains various references to the discharge of executive functions by the Leader and/or the Cabinet.
- 3.5 Part 2, Article 12 of the Constitution confirms that both the Leader and the Cabinet may establish joint arrangements with other local authorities. This includes delegating executive functions to the Cabinet of another authority and receiving a delegation of an executive function from another authority. This may or may not involve the establishment of a joint committee. The full extent of Cabinet's powers are not, however, referred to consistently in other parts of the Constitution and amendments are proposed to Parts 2 (paragraphs 7.22) and 3 (Standing Order 14) of the Constitution (see Appendix 1) to avoid confusion.

Property acquisition and disposal delegations

- 3.6 A recent review of officer delegations relating to property acquisition and disposal functions has highlighted the need for a correction.
- 3.7 Part 4 of the Constitution includes the Council's scheme of officer delegations which is reviewed by Full Council from time to time. Paragraph 4.1 states that only the Operational Director, Property and Projects, may acquire or dispose of an interest in land or buildings subject to the restrictions set out in paragraphs 4.2, 4.3 and 4.6 but does not record the fact that the Strategic Director, Regeneration and Growth, can also exercise these powers.
- 3.8 Although the current wording relating to the exercise of these powers was approved by Full Council at its meeting on 24 June 2013, it was not intended to remove the powers of the Strategic Director, Regeneration and Growth. This is the Strategic Director with overall responsibility for property, regeneration and economic development and who the Operational Director, Property and Projects reports to. In any event, property functions are executive functions and the Strategic Director, Regeneration and Growth, remains entitled to exercise such powers delegated under executive decision making arrangements. For the avoidance of doubt, it is proposed that the scheme of officer delegations be amended, as marked up in Appendix 1, to confirm the delegated powers of the Strategic Director, Regeneration and Growth in respect of property matters.

Licensing Act 2003 Policy Statement

- 3.9 Section 5 of the Licensing Act 2003 requires the council to determine and publish a statement of its policy with respect to the exercise of its functions under that Act. This is a Full Council and not a so-called shared function whereby a plan or policy is formulated or prepared by the Cabinet and then approved by Full Council. That being the case, it is proposed that Table 3 in Part 4 of the Constitution be amended to remove the reference to this function (see Appendix 1).

Equalities Committee

- 3.10 At the first meeting of the Equalities Committee on 13 July 2015, the Committee considered its role and responsibilities as well as the contribution it could make in ensuring that the Council secures compliance with its obligations under equalities legislation. The Committee noted its terms of reference, as previously agreed by Full Council, and proposed a change, as marked up in Appendix 1 (see Part 5) for Full Council's approval.

Health and Well-being Board

- 3.11 Part 5 of the Constitution records the membership and terms of reference of Brent's Health and Well-being Board. The Board comprises of five elected councillors as well as senior officers and external representatives. Currently, the five elected councillors are required to comprise of four Cabinet members and an opposition group member. Instead of limiting the membership of the Board to members of opposition groups, it is proposed that all opposition members be eligible for appointment (see Appendix 1, Part 5).

Minor and technical changes

- 3.12 In addition to the proposed changes detailed above, Members are requested to note that minor and other technical changes have been made to the Constitution by the Chief Legal Officer in the exercise of her delegated powers. The changes correct typographical errors, improve the wording and presentation of the Constitution and update the Constitution in legal and technical terms. The changes, which affect all 8 Parts of the Brent Constitution, are identified using track changes and set out in Appendix 2.

4.0 Financial Implications

- 4.1 There is none arising directly from this report.

5.0 Legal Implications

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

6.0 Diversity Implications

- 6.1 None.

Background Papers

None

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