

PART 1

INTRODUCTION

Contents

Summary

Definitions

Decision Making Structure

List of Cabinet Members and Portfolios

CONTENTS

Part 1 Introduction

Contents
 Summary
 Definitions
 Decision Making Structure
 List of Cabinet Members and Portfolios

Part 2 Articles of the Constitution

Article 1 The Constitution
 Article 2 Members of the Council
 Article 3 Citizens and the Council
 Article 4 The Full Council
 Article 5 The Mayor
 Article 6 Scrutiny Committee
 Article 7 The 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

Part 3 Standing Orders

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
 Executive arrangements
 The Policy Framework and the Budget
 Meetings of Full Council
 Standing Orders with respect to committees and sub-committees
 Petitions/Deputations
 Miscellaneous
 Sealing and Signing of Documents
 Standing Orders Relating to Staff
 Contract Standing Orders

Part 4 Responsibility for Functions

General
 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
Table 4B	The membership and terms of reference of the Barham Park Trust Committee
Table 5	Proper and Statutory Officer Provisions.

Table 6	List of functions that may only be exercised by Full Council
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Part 5 Terms of Reference for Council Committees and Sub-Committees

Membership and Terms of Reference of Council Committees and Sub-Committees

Health and Wellbeing Board

Standards Committee

Audit Committee

Corporate Parenting

Scrutiny Committee

General Purposes Committee

Pension Fund Sub-Committee

Senior Staff Appointments Sub-Committee

Staff Appeals Sub-Committee A & B

Planning Committee

Alcohol and Entertainment Licensing Committee

Alcohol and Entertainment Licensing Sub Committees A, B and C

Joint Committees

Equalities Committee

Dismissal Advisory Panel

Part 6 Other Rules and Regulations

1. Access to Information Rules
2. Financial Regulations
3. Scheme of Transfers and Virements

Part 7 Codes and Protocols

1. Brent Members' Code of Conduct
2. Planning Code of Practice
3. Licensing Code of Practice
4. Local Code of Corporate Governance
5. Code of Practice on Publicity
6. Protocol for Member/Officer Relations
7. Protocol on Members' Rights of Access to Information
8. Protocol on Call in

Part 8 Members' Allowance Scheme

SUMMARY

1. The Council's Constitution

Brent Council has agreed a new Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. Some of the procedures are required by law, while others are a matter for the Council. The Constitution is divided into 8 Parts. These contain the Articles of the Constitution, the Standing Orders and other rules, codes, protocols and the Members' Allowances Scheme. In particular, Parts 3 and 4 set out the rules governing the conduct of the Council's business and which part of the Council is responsible for various functions.

2. The Articles

Article 1 of the Constitution commits the Council to providing clear leadership to the community and supporting the active involvement of citizens in the process of local democracy. It also commits the Council to help councillors represent their constituents more effectively, enable decisions to be taken transparently, efficiently and effectively; and to provide a means of improving the delivery of services to the community. Articles 2 – 15 explain the relationship between citizens and the Council; and the rules governing the Council's business. The full list of Articles is:

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

3. The Full Council

The Council is comprised of 63 councillors who are elected every four years. Councillors are democratically accountable to the residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for ensuring training is provided to members and advising councillors on, and overseeing their compliance with, the Code of Conduct. Councillors meet together at meetings of Full Council where they decide the Council's overall policies and set the budget each year. The Council also has an important role in appointing the Leader of the Council and holding to account the Cabinet. Meetings of the Council are normally open to the public.

4. The Cabinet

The Leader of the Council is a member of the Council who is elected to the post by the other members at a meeting of the Full Council. The Leader chooses between 2 and 9 other councillors to form the Cabinet. The Cabinet is responsible for putting policies, which Full Council has approved, into effect. The Cabinet is the part of the Council which is responsible for most of the Council's day-to-day decision making not delegated to officers. A list of the Cabinet members, their portfolios and their addresses are given in this Part 1.

5. Key Decisions

When Key Decisions are to be discussed or taken, these are published in the Forward Plan, in so far as they can be anticipated. If the Cabinet is meeting to take Key Decisions or discuss them with Council officers present, it will generally meet in public, except where confidential or exempt information would be disclosed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

6. Scrutiny

The Council has appointed a Scrutiny Committee to support the work of the Cabinet and the Council as a whole. The Scrutiny Committee holds the Cabinet to account by scrutinising its decisions, examining performance and asking questions of decision-makers and service providers. A decision which has been made by the Cabinet but not yet implemented can be called in for Scrutiny and will be considered by the Scrutiny Committee subject to the reasons for the call-in being within the framework laid out in the call-in protocol included in Part 7 of this Constitution.

They may recommend that the Cabinet reconsider the decision but cannot block a decision indefinitely or impose their own views on the Cabinet.

The Scrutiny Committee is also involved in strategic and cross-cutting issues by supporting the Cabinet in the development and review of policy, overseeing health matters, and reviewing the performance of other partners and the Local Strategic Partnership work programme.

7. Other Committees

In addition to the committees specifically mentioned above, the Council has established a number of committees and sub-committees to deal with audit, staffing, planning, licensing, [health](#), [standards](#), [safeguarding](#), [equalities](#) and pension related functions. The Leader has also appointed a Highways Committee to deal with executive functions relating to highways and parking. The Cabinet has appointed a [sub-committee](#); the Barham Park Trust Committee.

8. Membership of committees and sub-committees

The membership and terms of reference of the Council committees and sub-committees and any joint committees are set out in Part 5 of this Constitution. The membership and terms of reference of the Cabinet Committee(s) are set

out in Part 4 of this Constitution. The structure of the Council and Cabinet Committees are shown in the Decision Making Structure Chart included in this Part 1.

9. Consultative Forums

In order to give local citizens a greater say in Council affairs the Council has established a number of consultative forums.

Five Area Consultative Forums have been created. These cover Kingsbury & Kenton, Wembley, Harlesden, Willesden and Kilburn & Kensal. Four Area Housing Boards have been created. These cover (1) North Wembley and South Wembley, (2) South Kilburn, (3) North Kilburn, and (4) Harlesden, Brentfield and St Raphaels. Five Service User Forums have been created. These are Disability and Mental Health, Private Sector Housing, Pensioners, Voluntary Sector Liaison and Equality Forum. The Council has also established a Youth Parliament.

These bodies provide a forum for residents and businesses to discuss and raise concerns about issues in their locality or which are important to the particular group for which the forum or board is designed. They also respond to consultation initiatives by the Council. The consultative forums involve relevant councillors and their meetings are generally held in public. Issues arising from the forums are fed back into the Council's decision making process.

10. The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

11. Citizens' Rights

The Council welcomes participation by its citizens in its work. Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau and Community Law Centre can advise on individuals' legal rights. Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, confidential or exempt information would be disclosed;
- petition to request a referendum on an elected Mayor;
- contribute to reviews conducted by the Scrutiny Committee and/or their task groups;
- find out, from the Forward Plan, what Key Decisions are to be discussed by the Cabinet or decided by the Cabinet, its committees or officers, and when;

- attend meetings of the Cabinet or its committees ~~when Key Decisions are being made, or discussed with officers present~~, except where exempt or confidential information is being discussed;
- see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council about its service provision;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

12. Rules of Procedure

The Council has adopted rules of procedure called Standing Orders which give effect to the general principles set out in the Articles and govern the conduct of Council business. These are set out in Part 3 of this Constitution. The Standing Orders cover the rules of debate and procedure for the conduct of meetings of Full Council and its various committees. There are also provisions relating to the Leader, the Cabinet, the Scrutiny Committee, the Standards Committee and the Audit Committee. —There are separate Standing Orders relating to Staff and Contracts.

The Council has also adopted Financial Regulations which govern financial management and control within the Council. These are contained in Part 6 of this Constitution.

13. Responsibility for Functions

The functions of the Council are generally divided between Full Council and its committees and the Leader and the Cabinet and its committees. This is either as a matter of law or where there is a choice, as set out in this Constitution. Officers may also carry out certain functions of the Council under powers delegated to them by Full Council or the Leader or the Cabinet. Part 4 of this Constitution sets out in detail the division of functions between the Leader, the Cabinet and the Council and the scheme of delegation to officers and committees and sub-committees.

14. Access to Council Meetings and Documents

The Council has adopted a set of rules called the Access to Information Rules which set out the Council's procedures for ensuring transparent decision making and a protocol which gives some further information and/or guidance about the type of information that will be given to members of the Council. These include the following rules relating to public access to Council meetings and documents:

- (a) Citizens can attend meetings of the Council or its committees except where exempt or confidential information is being discussed.

- (b) Citizens have the right to attend meetings of the Cabinet or its committees ~~when Key Decisions are being made, or discussed with officers present~~, except where exempt or confidential information is being discussed.

- (c) Citizens also have the right to see reports and background papers, and any record of decisions made by the Council and the Cabinet-, again subject to the rules relating to exempt and confidential information.

DEFINITIONS

The words and phrases defined in this definition section shall have the meaning set out below unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.

- The **Access to Information Rules** set out the Council's rules relating to access to meetings and documentation relating to meetings; and exempt and confidential information. These can be found in Part 6 of this Constitution.
- The **Annual Meeting** is the meeting of Full Council each year at which the Mayor is elected.
- The **Articles** in the Constitution set out the overall framework of what is to be done and by whom. Standing Orders, Codes of Conduct and the other documents forming part of the Constitution set out how the Articles will be put into effect.
- The **Authority** means the London Borough of Brent.
- **Best Value** means the requirement under the Local Government Act 1999 that the Council make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- The **Brent Members' Code of Conduct** means the document which has been adopted by the London Borough of Brent setting out what is expected of members and co-opted members of the Authority in terms of their conduct and behaviour, as set out in Part 7 of this Constitution.
- The **Cabinet** is the main decision making body of the Council in particular it is responsible for implementing the Council's Policy Framework and Budget. The Cabinet is made up of the Leader and between two and nine other councillors chosen by the Leader. The Cabinet will carry out all of the Authority's functions which are delegated to it by the Leader and that are not the responsibility of any other part of the Authority, whether by law or under the Constitution. The Cabinet comprises the members appointed by the Leader under the Constitution and the Leader.
- **Cabinet Committees** are committees set up by the Cabinet or by the Leader and to which the Cabinet or the Leader has allocated executive functions. Members of Cabinet Committees will be members of the Cabinet. The Highways Committee is a Cabinet Committee established by the Leader. The Barham Park Trust Committee is a committee appointed by the Cabinet.
- **Chair** means the person who presides over a meeting. At meetings of Full Council the Mayor chairs the meeting. Chairs of Council committees are appointed by Full Council and Chairs of sub-committees are appointed by the relevant parent committee. The Leader will usually chair meetings of the Cabinet.
- The **Chief Executive** is the Head of Paid Service as defined in section 4 of the Local Government and Housing Act 1989 and below.

- The **Chief Finance Officer** is the officer appointed in accordance with section 151 of the Local Government Act 1972 who has responsibility for the administration of the financial affairs of the authority.
- **Chief Officers** are defined in Article 13.
- A **Code of Conduct or Code of Practice** is a document forming part of the Council's Constitution which guides and regulates the behaviour of various groups and individuals. .
- A **Committee** is a group of members (including co-opted members) chosen or elected to perform a specific function or purpose. The Authority has various types of committees which are defined separately. There are both committees and sub-committees of the Council and there is a Highways Committee and Barham Park Trust Committee of the Cabinet. The terms of reference of the committees and sub-committees are set out in Parts 4 and 5 of this Constitution. There are also a number of joint committees.
- **Confidential Information** is defined in section 100A(3) of the Local Government Act 1972 as:
 - (a) Information furnished to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
 - (b) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;
- The **Constitution** is a document adopted by Brent Council which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in Standing Orders and in separate rules and protocols, also forming part of the Constitution.
- A **Co-opted Member** means a person who is a member of any committee or sub-committee of the Council but is not a councillor or officer of the Council. Co-opted members generally do not have voting rights on committees, although statute permits certain co-opted members to vote, notably parent governor representatives and church representatives. There are 4 education co-opted members with voting rights on the Scrutiny Committee. There are a further 2 education co-opted members on that committee without voting rights. The voting education co-opted members may only vote on education matters. The Health and Wellbeing Board also includes co-opted members who have voting rights. There are 2 non-voting co-opted members on the Pension Fund Sub-Committee, one non voting co-opted member on the Audit Committee and one non voting co-opted member on the Standards Committee. There are also up to 4 co-opted non voting members on the Corporate Parenting Committee. [In addition, all three members of the Dismissal Advisory Panel are independent persons appointed under section 28\(7\) of the Localism Act 2011 and in accordance with the requirements of the Local Authorities \(Standing Orders\) \(England\) \(Amendment\) Regulations 2015.](#)

- **Corporate Strategy** means the document adopted by the Council setting out the Council's vision, values and key commitments for the next four years.
- **Council Functions** are those functions of the Authority which cannot be exercised by the ~~Cabinet~~. ~~–~~These functions may be carried out by the Full Council, a Council Committee, Council Sub-Committee, Joint Committee of the Council, officers or any other person authorised by the Full Council to carry out Council functions. Council Functions cannot be carried out by the Cabinet.
- **Day** means a clear working day unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.
- **Delegated Powers** are powers to make decisions which are delegated by a decision making body to another decision making body or decision maker, such as an officer.
- **Deputy Mayor** means a councillor, not being a member of the ~~Cabinet~~, appointed by the Mayor to act as his or her deputy. In the absence of the Mayor, the Deputy Mayor will perform the functions of Mayor except that the Deputy Mayor will only chair a Full Council meeting, in the absence of the Mayor, if chosen to do so by the members of Full Council at that meeting.
- The **Director of Public Health** (DPH) is the officer appointed by the Council pursuant to National Health Service Act 2006 S73A. The DPH has the responsibilities and duties prescribed by statute, most particularly [to](#) write the annual report on health of the local population, to improve public health, to carry out public protection and improvement functions delegated to the DPH by the Secretary of State, to plan and respond to emergencies that present a risk to public health.
- **Executive Functions** are any 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, and these are carried out by the Cabinet. The division of functions between the Cabinet and the Council are set out in Part 4 of this Constitution.

Generally, the division of functions between the Cabinet and the Council is:

- (a) Determination of the Authority's budget, policies and strategies as set out in the Budget and Policy Framework are the responsibility of Full Council;
- (b) Functions which will involve either determining an application from a person for a licence, approval, consent, permission or registration or direct regulation of a person together with any related enforcement actions (including prosecution) are the responsibility of the Council. Functions involving staffing issues and other specific matters as set out in Part 4 of the Constitution are also the responsibility of the Council. These functions will be carried out by officers or one of the Council's committees. They cannot be carried out by the Cabinet; and

- (c) All other functions are to be the responsibility of the Cabinet. This includes making decisions on education, social services, most (but not all) highways and parking matters and housing functions. The Cabinet will award contracts, dispose of assets and will develop the policies to be approved by the Council.
- **Exempt Information** means information falling within the 7 categories set out in Schedule 12A of the Local Government Act 1972 and subject to the relevant qualifications set out in that schedule and. These rules are explained further in the Access to Information Rules, which form part of this Constitution.
 - An **Extraordinary Meeting** is a meeting of Full Council called by the Mayor. However, if the Mayor refuses to call an Extraordinary Meeting or does not do so within seven days after a request by five Councillors any five councillors may call an Extraordinary Meeting of Full Council.
 - The **Financial Regulations** are contained in Part 6 of this Constitution and set out the rules and procedure, which govern financial management and control within the Council.
 - The **Forward Plan** is a document prepared by the Head of Executive and Member Services which contains details of all the matters likely to be the subject of Key Decisions to be taken by either the Cabinet, the Highways Committee or Barham Park Trust Committee or other committees or officers and may also include other important decisions to be taken by the Council, its committees or officers.
 - A meeting of **Full Council** is a meeting to which all 63 councillors of the Authority are invited to attend.
 - The **Head of Paid Service** is the officer appointed by the Authority in accordance with section 4 of the Local Government and Housing Act 1989 who has overall corporate management and operational responsibility within the Council. In the London Borough of Brent the Head of Paid Service is the officer appointed to the position of Chief Executive.
 - A **Joint Committee** is a committee comprising members of two or more local authorities created under section 102(1) of the Local Government Act 1972.
 - The term **Key Decision** is defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. A decision will be a Key Decision if it relates to an executive function and is likely:
 - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

Further guidance on Key Decisions is included in the Access to Information Rules which form part of this Constitution.

- The **Leader** is a councillor, not being the Mayor or Deputy Mayor, elected by the Council to the position of Leader of the Cabinet .
- The **Licensing Code of Practice** means the document which has been adopted by the London Borough of Brent to regulate the performance of its licensing function. The main objectives of the Code are to guide Members and officers of the Council in dealing with licensing related matters and to inform potential licensees and the public generally of the standards adopted by the Council in the exercise of its licensing powers.
- **Mayor** means a councillor, not being a member of the Cabinet-, elected by the Council at the Annual Meeting to the position of chair of the Council. –The Mayor, if present at a meeting of the Council, will preside and have a second or casting vote in the event of equality of votes on any question coming before a meeting of the full Council.

The Mayor of Brent Council is a symbol of the Authority and as such, the Mayor will normally carry out the ceremonial duties of the Council.

In addition to his or her roles and duties as a councillor, the Mayor will have the additional responsibilities set out in Article 5 of this Constitution.

- **Member** means a councillor generally or in relation to a committee or sub-committee a member of that committee or sub-committee.
- The **Members' Allowance Scheme** is contained in Part 8 of this Constitution and sets out the scheme under which councillors are entitled to receive allowances in respect of carrying out their duties as councillors and for fulfilling any special responsibilities allocated to them.
- The **Monitoring Officer** is the officer appointed by the Authority in accordance with section 5 of the Local Government and Housing Act 1989 to report to it on any proposal, decision or omission by the Authority or its committees or sub-committees or officers which has given, or may give rise, to a contravention of law or statutory code of practice or to such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974. The Monitoring Officer is the 'qualified person' for the purposes of determining whether disclosure of particular information under the Freedom of Information Act 2000 would be likely to prejudice the effective conduct of public affairs. In the London Borough of Brent the Monitoring Officer is the officer employed as the Chief Legal Officer-.
- **Operational Directors or Managers** are those officers who are directors or managers of the various service units which make up the service areas.
- An **Ordinary Meeting** is a meeting of Full Council which is not an Annual Meeting or an Extraordinary Meeting. These terms are separately defined. Ordinary meetings are for the transaction of the general business of the Council.
- A **Partnership Arrangement** is an arrangement between Brent Council and one or more other bodies or persons to achieve objectives of the Council and at least one of the other parties which involves one or more of the following:

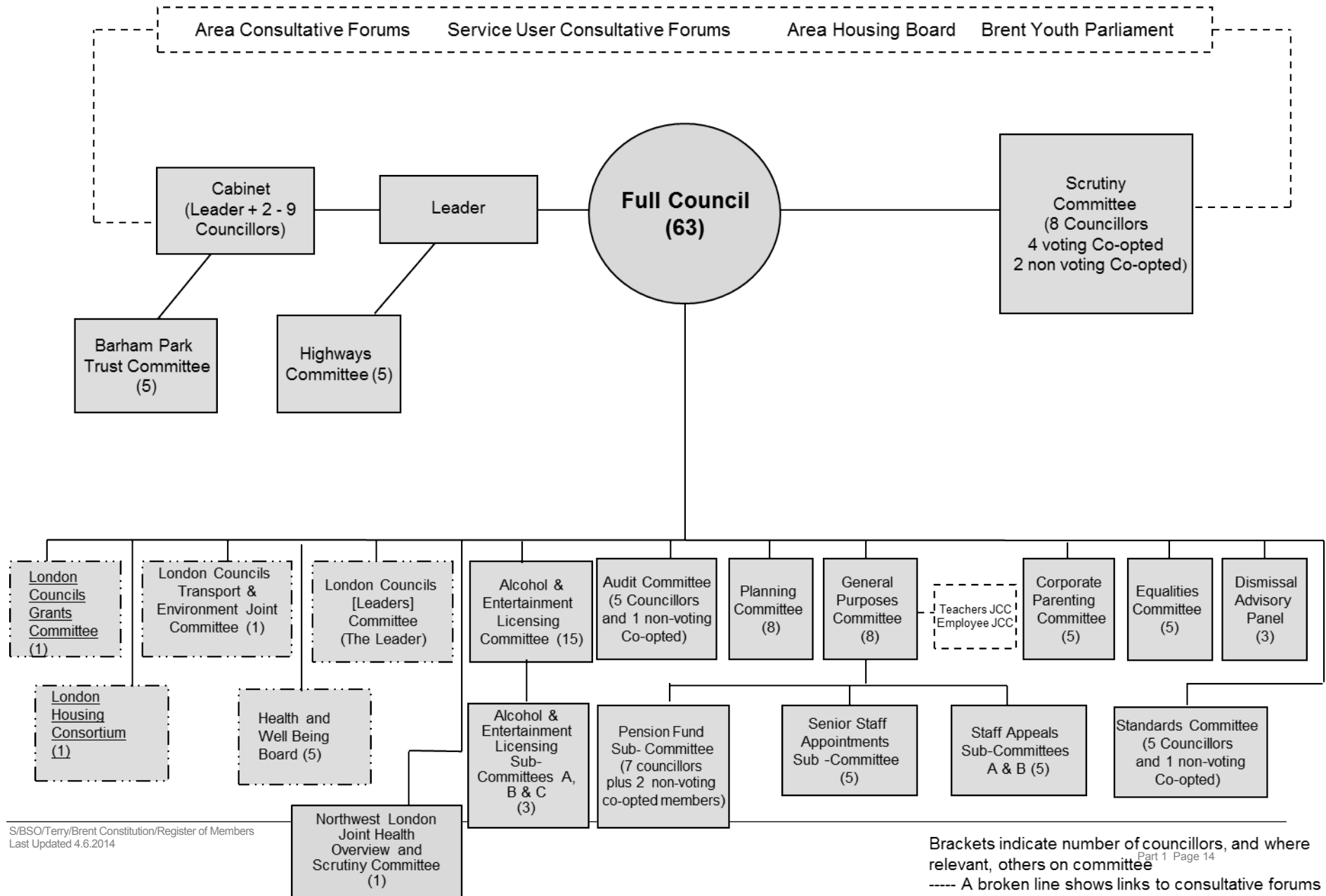
- sharing of risk in relation to the subject matter of the arrangement
- joint planning and decision-making such as joint commissioning
- joint delivery of services
- sharing of resources

but which is not a contract for the provision by one party to another of a supply, service or works in exchange for a fee or other consideration.

- The **Planning Code of Practice** means the document, which has been adopted by the London Borough of Brent to regulate the performance of its planning function. The major objectives of the Code are to guide members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers.
- The **Policy Framework** means the plans, policies and strategies set out in Table 3 of Part 4 of this Constitution.
- **Portfolio** refers to the key responsibilities or roles allocated to a Cabinet Member by the Leader.
- **Proper Officer** has a statutory definition in section 270(3) of the Local Government Act 1972 and means, in relation to any purpose, the officer appointed for that purpose by the Authority or for that area, as the case may be. A non-exclusive list of the Proper Officers can be found in Table 5 of Part 4 of this Constitution.
- A **Protocol** is a document forming part of the Constitution which sets out a guide to the way certain individuals and groups interact with each other. They are not rules but they do give guidance on how things should operate.
- The **Scrutiny Committee** is a committee established pursuant to section 9F of the Local Government Act 2000. The membership of the Committee reflects the political balance of the Council. The Committee has responsibility for strategic and cross-cutting issues by supporting the Cabinet in the development and review of policy and for examining the implementation of policy including:
 - (a) Overseeing the progress of policy implementation and scrutinising decisions made; and
 - (b) Calling in Cabinet decisions.
- The **Section 151 Officer** is the officer appointed in accordance with section 151 of the Local Government Act 1972 and who has responsibility for the administration of the financial affairs of the authority. [The Council has appointed In Brent this position is also known as the Chief Finance Officer as its Section 151 Officer.](#)
- The Council has three **Service Areas**. These are Children and Young People, Adults, and Regeneration and Growth.

- **Standing Orders** are rules which the Council has adopted to regulate its business and proceedings. There are also separate Standing Orders relating to the appointment and dismissal of staff and the process leading up to and the making of contracts. These are set out in Part 3 of this Constitution.
- **Strategic Directors** are directors of service departments within the Council. There are Strategic Directors of Adults; Children and Young People; Regeneration and Growth.
- A **Sub-Committee** is a group of members (including where appropriate co-opted members) appointed by a committee to take responsibility for one or more aspects of its functions or function.
- **Task Groups** are groups created to undertake time-limited and task focused reviews and to report back to the body that created them.

LONDON BOROUGH OF BRENT DECISION MAKING STRUCTURE CHART



Register of Members of the Brent Cabinet

Address for CabinetMembers

The address for all correspondence to the Cabinet members is Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.

Post Title	Name	Portfolio	Ward
Leader	Cllr Butt	Leader of the Council	Tokington
Deputy Leader	Cllr Pavey	Deputy Leader	Barnhill
Lead Member	Cllr Denselow	Stronger Communities	Queens Park
Lead Member	Cllr Hirani	Adults, Health and Wellbeing	Dudden Hill
Lead Member	Cllr Mashari	Employment and Skills	Welsh Harp
Lead Member	Cllr McLennan	Regeneration and Housing	Northwick Park
Lead Member	Cllr Moher	Children and Young People	Fryent
Lead Member	Cllr Grane Southwood	Environment	Fryent

Register of Members of the Highways Committee of the Cabinet

The members of the Highways Committee of the Cabinet are as follows:

Cllr Denselow
Cllr Mashari
Cllr McLennan
Cllr Moher
Cllr [Grane Southwood](#)

Register of members of the Barham Park Trust Committee of the Cabinet

The members of the Barham Park Trust Committee are as follows:

Cllr Denselow
Cllr Hirani
Cllr McLennan
Cllr Pavey
Cllr [Grane Southwood](#)