

PART 2

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ARTICLES

All or part of these Articles written in italics and marked with an asterisk cannot be suspended, or waived or may only be suspended or waived in limited ways. The intention is to give members guidance as to when to seek legal advice before moving suspension or waiver.

Article 1 - The Constitution

Type of Executive Arrangements

- 1.1 The Council is operating a Leader and Cabinet form of executive arrangements. The following parts of this Constitution constitute the executive arrangements of Brent Council:
- (a) Article 6 (Scrutiny Committee) and such part of the Standing Orders in Part 3 as relate to the Scrutiny Committee;
 - (b) Article 7 (The Cabinet-) and such part of the Standing Orders in Part 3 as relate to the Cabinet;
 - (c) Article 12 (Joint Arrangements);
 - (d) Article 14 (Decision making) and the Access to Information Rules as set out in Part 6;
 - (e) Part 4 (Responsibility for Functions).

Powers of the Council

- 1.2 The Council will exercise all its powers and duties in accordance with the law and this Constitution.

The Constitution

- 1.3 This Constitution is the Constitution of the London Borough of Brent.

Purpose of the Constitution

- 1.4 The purpose of the Constitution is to:
- support the active involvement of citizens in the process of local authority decision-making;
 - help councillors represent their constituents more effectively;
 - enable decisions to be taken efficiently and effectively;
 - create a powerful and effective means of holding decision-makers to public account;

- 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 2 – Members of The Council

Composition and Eligibility

- 2.1 **Composition:** The Council comprises 63 members, otherwise called councillors. Three councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission for England and approved by the Secretary of State.
- 2.2 **Eligibility:** Only registered voters of the Borough or those living or working in the Borough will be eligible to hold the office of councillor. There are other restrictions on who can hold office as a councillor including having attained the age of 18 at the date of nomination, citizenship and absence of any other disqualification.

Election and Term of Office of Councillors

- 2.3 The regular election of councillors will be held on the first Thursday in May every four years beginning in 2002. The term of office of councillors will start on the fourth day after being elected and will finish at the end of the third day after the date of the next regular election. The Leader remains in office until the day of the Annual Meeting after the next ordinary election.

Roles and Functions of all Councillors

- 2.4 All councillors will:
- collectively be the ultimate policy-makers;
 - represent their communities and bring their views into the Council's decision-making process;
 - be involved in decision-making;
 - be available to represent the Council on other bodies;
 - maintain the highest standards of conduct and ethics;
 - contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
 - effectively represent the interests of their ward and of individual constituents; and
 - respond to constituents' enquiries and representations, fairly and impartially.

Rights and Duties

- 2.5 (a) Councillors have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (b) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to any other person unless lawfully required to do so.
- (c) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules.

Conduct

- 2.6 Councillors will at all times observe the Brent Members' Code of Conduct, the Planning Code of Practice, the Licensing Code of Practice, and any other relevant code of conduct or practice which may be adopted by the Council. They will also have regard to any relevant protocol adopted by the Council.

Allowances

- 2.7 Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme.

Other Members of Council Committees

- 2.8 Some Council Committees include members who are not councillors. These are the Standards Committee, the Scrutiny Committee, the Pension Fund Sub-Committee, the Audit Committee, the Health and Wellbeing Board, and the Dismissal Advisory Panel.
- 2.9 The Standards Committee and Audit Committee co-opted members are non voting.
- 2.10 The membership of the Scrutiny Committee includes four voting and two non-voting education co-opted members. More information regarding the role of the education co-opted members is contained in the Standing Orders and in Part 5 of this Constitution.
- 2.11 The membership of the Pension Fund Sub-Committee currently includes two non-voting co-optees: ~~a from the~~ College of North West London representative and a Council employee representative.
- 2.12 The Dismissal Advisory Panel comprises three Independent Persons appointed to deal with Member Code of Conduct complaints under the Localism Act 2011.
- 2.13 The Health and Wellbeing Board includes members who are not Councillors who are able to vote.

Register of Interests

- 2.13 The Monitoring Officer maintains a Register of Interests of councillors and voting co-opted members of the Authority pursuant to section 29 of the Localism Act 2011 which is available at the Council offices and published on the Council website.
- 2.14 All Councillors and voting co-opted members are required to complete a standard form listing their interests. The Register is updated by the Monitoring Officer, or such other officer nominated by him or her, upon notification by councillors and voting co-opted members of any changes.
- 2.15 The Register of Interests is available for inspection by the public at the offices of the Council at all reasonable hours and the electronic version of the Register is available on the Council's website.

Article 3 – Citizens and The Council

Citizens' Rights

3.1 Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 6 of this Constitution:

(a) Voting and Petitions:

Citizens on the electoral roll for the Borough have the right to vote in elections and to sign a petition including a petition requesting a referendum for an elected mayor.

(b) Information:

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed;
- (ii) attend meetings of the Cabinet and its committees when Key Decisions are being considered except where confidential or exempt information is likely to be disclosed;
- (iii) find out from the Forward Plan what Key Decisions will be taken by the Cabinet, its Highways Committee; the Barham Park Trust Committee and officers and when;
- (iv) see reports and background papers (except confidential or exempt information), and any records of decisions made by the Council and the Cabinet, their committees or officers; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) Participation:

Citizens may be invited to contribute to reviews conducted by the Scrutiny Committee.

(d) Complaints:

Citizens have the right to complain to:

- (i) the Council itself, under its complaints scheme;
- (ii) the Local Government Ombudsman, after using the Council's own complaints scheme; and
- (iii) the Monitoring Officer about a breach by any members or voting co-opted members of the Brent Members' Code of Conduct.

Citizens' Responsibilities

- 3.2 Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers. In the event of such conduct, citizens may be removed from Council premises and/or any meeting of the Authority they are attending.

Article 4 – Full Council

Introduction

Full Council will agree the Policy Framework and the Budget. Full Council is also required to determine certain other matters which, by law or this Constitution may only be determined by Full Council.

The Budget

4.1 The Council's budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, the council tax, a plan or strategy for the control of the Council's borrowing, investments, and/or capital expenditure and any virement limits.

Functions of the Full Council

4.2 There are certain functions that by law, or where there is a choice, by this Constitution, can only be exercised by the Full Council. A full list of these functions is contained in Table 6, of Part 4 of this Constitution. The functions which can only be exercised by Full Council include:

- (a) agreeing a resolution to operate executive arrangements;
- (b) approving or adopting the Policy Framework and the Budget;
- (c) agreeing any application to the Secretary of State in respect of any Housing Land Transfer;
- (d) appointing and dismissing the Leader;
- (e) agreeing and/or amending the terms of reference for committees of the Council and making appointments to them; and
- (f) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.

Housing Land Transfers

4.3 Housing Land Transfer means a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or a disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Council Meetings

4.4 There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings

More information about these meetings and the way they are conducted is set out in the Standing Orders.

Article 5 – The Mayor

Role and function of the Mayor

5.1 The Mayor is elected by other members of the Council at the Annual Meeting and the Deputy Mayor is chosen by the duly elected Mayor to act as his or her deputy. The Deputy Mayor will, generally, act in the absence of the Mayor.

5.2 The responsibilities of the Mayor include:

- to uphold and promote the purposes of the Constitution, and to interpret the application of the Constitution to Council meetings when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in the Cabinet are able to hold the Cabinet to account;
- to promote public involvement in the Council's activities;
- to attend such civic and ceremonial functions as the Council as he or she determines is appropriate; and
- to present the Community Champion Awards at the Annual Meeting.

Article 6 – The Scrutiny Committee

Introduction

- 6.1 Effective, independent and rigorous examination of the proposals and decisions made by the Cabinet are a significant feature of the Council's arrangements and provide a key role for non-executive members. Overview and scrutiny is the mechanism for holding Cabinet publicly to account. This function gives non-cabinet members a significant opportunity to contribute to the proposals of the Cabinet, 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 a Scrutiny committee. 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 The Scrutiny Committee shall comprise 8 members of the Council who shall not be members of the Cabinet, and 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 committee will be appointed by Full Council.

Annual Report and Work Programme

- 6.3 The Scrutiny 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.
- 6.4 An annual report on the activities of the Scrutiny Committee will be produced and published.
- 6.5 More information about the membership of the Scrutiny Committee is contained in Part 5 of this Constitution.

General Role

- 6.6 Within its terms of reference, the committee will:
- (a) make reports and/or recommendations to Full Council and/or the Cabinet, 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, 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 or the Council and it will exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.

Terms of Reference

6.7 The Scrutiny Committee 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 committee are set out in Part 5 of this Constitution.

Proceedings of the Scrutiny Committee

6.8 The Scrutiny Committee will conduct its proceedings in accordance with Standing Orders and the Access to Information Rules.

6.9 If the Scrutiny Committee intends to receive a report back from a task group of the committee a Cabinet 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 Scrutiny Committee may, by giving written notice to the 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 Head of Executive and Member Services, request that any matter (which is not an excluded matter under ~~the~~ Local Government Act 2000) which is relevant to the functions of the Scrutiny 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 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 Scrutiny Committee.

- 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 Scrutiny Committee, 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 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.

Form and composition

- 7.2 The 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

- 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 follow 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 by a court under section 34(4) of the Localism Act 2011; 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 shall cease to hold office following a vote of no confidence in him/her proposed and voted upon in accordance with Standing Orders.

Other Cabinet Members

- 7.8 The Leader will appoint between two and nine members to the 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.
- 7.10 A 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 by a court under section 34(4) of the Localism Act 2011; or
- c) he/she ceases to be a councillor
 - d) he/she is removed from office by the Leader

Portfolios of Cabinet Members

- 7.11 Portfolio responsibilities of the Cabinet members are determined by the Leader. These portfolios provide the members of the 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 of the portfolios allocated to the Cabinet members to the 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 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~~ is disqualified from being a councillor by a court under section 34(4) of the Localism Act 2011; or
 - (c) he/she ceases to be a councillor of the authority
 - (d) the Leader removes the Deputy Leader from office
 - (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 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

Other Vacancies in the 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 Cabinet shall be carried out by the Cabinet collectively.
- 7.18 If at any time a Cabinet member other than the Leader or Deputy Leader ceases to be a member of the Cabinet, the responsibilities of that member shall revert to the Leader 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 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-eCCommittee; 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).

Article 8 – Regulatory and Other Committees

Other Committees and Sub-Committees

8.1 As well as the Scrutiny Committee, the Council has appointed the following committees:

- Health and Wellbeing Board
- Standards Committee
- Audit Committee
- Corporate Parenting Committee
- General Purposes Committee
- Planning Committee
- Alcohol and Entertainment Licensing Committee
- Equalities Committee
- Dismissal Advisory Panel

8.2 The General Purposes Committee has appointed the following sub-committees:

- Senior Appointments Sub-Committee
- Staff Appeals Sub-Committee A & B
- Pension Fund Sub-Committee

8.3 The Alcohol and Entertainment Licensing Committee has appointed 3 Sub-Committees known as the Alcohol and Entertainment Licensing Sub-Committees A, B and C.

Terms of Reference

8.4 The terms of reference for these committees and sub-committees are contained in Part 5 of this Constitution. This also sets out information about the quorum for meetings and the membership.

Statement of Purpose of the Audit Committee

8.5 The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment and to oversee the financial reporting process.

Article 9 – The Standards Committee

Standards Committee

9.1 The Council has established a Standards Committee.

Membership

9.2 The members of the Standards Committee are:

- five councillors (but not more than 1 member of the Executive), other than the Leader; and
- one non-voting co-opted member.;

Role and Function

9.3 In summary, the function of the Standards Committee is to promote and maintain high standards of conduct by councillors and co-opted members and hear allegations of misconduct against members.

9.4 The terms of reference of the Standards Committee are set out in Part 5 of this Constitution.

Article 10 – Brent Connects Forums

The consultative forums described in this Article are –part of the Brent Connects programme. They have no formal decision making structure and ~~and~~ have no decision-making powers. They are however a central part of the council's approach to consultation and engagement. Five forums cover specific geographic areas and a further five cover service users or specific interest groups. Representations and recommendations may be made by these forums to a committee or sub-committee of the council or to the executive or to officers. The chairs of the Brent Connects forums shall be appointed by full council.

BRENT CONNECTS AREA CONSULTATIVE FORUMS

10.1 The Council is committed to involving the community through effective consultation and two-way communication.

10.2 The Council recognises that meaningful participation can only take place:

- in an environment where people are better informed about local services;
- where community spirit is fostered so that people care enough to want to take part, and are encouraged to do so; and
- where council decisions can be seen to reflect the views and concerns of local residents.

10.3 Area consultative forums provide an important opportunity for members of the public to access, participate in and influence the council's decision-making process and those of the Council's partner organisations. Consultation, participation and community engagement have become increasingly important for all organisations and are at the heart of central government policy to improve and modernise local services.

Consultative forums are central to Brent Council's response to these issues.

10.4 Five area consultative forums were set up in 1997 to give local people a say about the issues which matter to them. These forums are public events, meeting four times per year. At each meeting local people are able to ask questions and comment on services provided by both the Council and partner agencies in Brent.

10.5 Chaired by a local councillor and assisted by a lead manager, each area forum meeting is open to the public, and is always held during a weekday evening in an accessible venue central to the community.

10.6 Agendas are determined prior to each forum meeting. Local people, the forum chair and lead manager, other local councillors, partner organisations and council officers are all invited to participate in the agenda setting process. The agenda setting process is coordinated by officers from the Council's consultation team and the draft agenda is published on the Council's internet pages.

10.7 At each meeting local people have the chance to listen to and question the Council and partner agencies such as the police and health authority about services they provide. There is also a 'soapbox slot' for residents to express their views and concerns on an issue of their choice. The five area consultative forums are listed below and each is made up of the electoral wards as shown:

Brent Connects Harlesden	Brent Connects Kilburn & Kensal	Brent Connects Kingsbury & Kenton	Brent Connects Willesden	Brent Connects Wembley
Harlesden Stonebridge Kensal Green	Brondesbury Park Kilburn Mapesbury Queen's Park	Barnhill Fryent Kenton Queensbury	Dollis Hill Dudden Hill Welsh Harp Willessden Green	Alperton Northwick Park Preston Sudbury Tokyngton Wembley Central

10.8 The ward boundaries delineate the area covered by that particular forum although residents may choose to attend a forum other than that in which they live.

10.9 The area consultative forums will be supported by officers from the council's consultation team, the forum lead manager and officers from other council service areas as appropriate.

Functions of Brent Connects Area Consultative Forums

- 10.10 (a) To consider and comment on Brent Council services, policies and practices, and those of its partners in the Brent area, and to influence practices and policies which determine the provision of council services by submitting reports on views expressed and issues raised at forum meetings to the appropriate lead officer, the Cabinet or a member of the cabinet and/or the Scrutiny Committee or other council committees, or full council.
- (b) To provide information to the community about the services, policies and the practices of Brent Council and other partner organisations in Brent.
- (c) To seek out the opinions and views of the community with regard to needs and aspirations for the area, sharing council draft reports and budget plans as appropriate and relay them to council decision making bodies.
- (d) To develop and support partnership and inter-organisational discussion, consultation and participation between the statutory and voluntary sectors and business, in relation to local issues.
- (e) To consider and participate in arrangements for public consultation regarding council services and policies which directly or indirectly affect the area, and/or those requiring 'local consultation'.
- (f) To consider all matters of relevance and/or interest to residents of the area including any related to the activities of other organisations. Area consultative forums shall not however discuss individual or personal cases relating to the authority's regulatory functions, planning, licensing etc., with the exception of major developments, significant planning applications, environmental improvements and traffic management issues.

- (g) To request the attendance of members of the executive, other members, council officers and representatives of other partner organisations to listen to residents' concerns and/or report on matters of local interest.
- (h) Notwithstanding the above, the Brent Connects area consultative forums are consultative only and have no formal decision making powers within the Council's formal decision making processes.

Structure and Membership Brent Connects of area consultative forums

10.11 Each Brent Connects area consultative forum:

- (a) shall meet at least four times per year. Notwithstanding, a forum may meet more than four times per year, subject to identifying suitable funding, as appropriate.
- (b) will be chaired by a councillor appointed by the Council and supported by a councillor in the role of vice-chair, also appointed by the Council.
- (c) has an appointed lead manager. Lead managers are council officers appointed as 'community champions' because of their close professional and personal links with the forum area they serve.
- (d) will be open to attendance by residents, councillors and council officers, local businesses and traders, representatives of community groups and associations, voluntary and other public and statutory/partner organisations, and other relevant outside agencies.

Talkback - AREA HOUSING BOARD FORUM

Area Housing Board Forum Structure

10.12 The Council's Area Housing Board Forum, *Talkback*, has been established with the aims and roles set out below.

Areas covered

10.13 The boundaries of the Council's Area Housing Board Forum, *Talkback*, will be those of the landlord service area.

Aims of the Forum

- 10.14
- (a) To involve customers in the provision of housing services.
 - (b) To monitor the performance of housing management and contractors of the housing management service and other parts of the housing services.
 - (c) To develop new ideas and methods for solving Council housing problems.
 - (d) To influence practices and policies that determines the provision of housing services.
 - (e) To influence practices and policies that determine the provision of housing services.

- (f) To advise the housing management service on local priorities for the provision of housing services and the allocation of resources.
- (g) To advise the housing management service in the development of an area strategy/business strategy.
- (h) To liaise with other groups and organisations.

Membership of the Forum

- 10.15 Membership of the Council's Area Housing Board Forum, *Talkback*, will be open to all residents in tenant and leasehold properties that are managed on behalf of the Council by the housing management service.
- 10.16 There will be no voting rights for any attendees at the Council's Area Housing Board Forum.
- 10.17 Members of the Council will be eligible to attend meetings of the Area Housing Board Forum.

Meetings of the Forum

- 10.18 (a) Meetings of the Council's Area Housing Board Forum, *Talkback*, will be open to the public and to the press, and at the discretion of the person facilitating/co-ordinating/chairing the meetings, any person may speak.
- (b) The Council's Area Housing Board Forum shall meet at least four times a year and once in every quarter and the meetings will be held on a rotational basis in the following geographical areas: Wembley; East Brent (formerly North Kilburn); South Kilburn; and Harlesden, Brentfield and St Raphaels.
- (c) There will be no formal chair or quorum requirements or restrictions.
- (d) In June each year, one representative from each registered tenants' and residents' association may be put forward to join a forum organising team to seek advise on the composition of agendas, the format of the Council's Area Housing Board Forum meetings and shaping outcomes from sessions of the Forum. This Forum organising team will meet at least eight times a year.
- (e) Meetings shall be conducted in accordance with any rules agreed in respect of the conduct of those meetings.

Paragraph numbers 10.19 and 10.20 are not used.

BRENT CONNECTS SERVICE USER FORA

10.21 The Council has established the following Service User Fora with the aims and roles set out below:

- Brent Connects Disability Forum
- Brent Connects Private Sector Housing Forum

- Brent Connects Pensioners Forum
- Brent Connects Voluntary Sector Liaison Forum
- Brent Connects Equality Forum

Brent Connects - Disability Forum

- 10.22 (a) To provide the focal point for disabled people and mental health service users, their carers, advocates, service providers, advisors, officers, Council members and representatives from voluntary organisations and community groups to meet together on a quarterly basis to exchange views and to learn from each others experiences.
- (b) To consider all aspects of the Council's policies as they relate to the needs of disabled people and mental health service users and their carers living in Brent.
- (c) To influence members to make the best and most efficient use of resources available in the borough for disabled people and mental health service users within the framework of Best Value.
- (d) To ensure that the Council is aware of current and forthcoming legislation and the demands and expectations of disabled people and mental health service users who live and/or work within the borough.
- (e) To be a formal point of consultation for the Council on services provided for disabled people and mental health service users.
- (f) To encourage and identify opportunities for the Council to work in partnership with other agencies and voluntary groups on issues relating to disabled people and mental health service users.
- (g) To be empowered to make formal representations through the Council's decision-making structure on matters relating to disabled people and mental health service users.
- (h) To ensure suggestions and recommendations agreed are incorporated as part of the Council's annual service planning process.
- (i) Where necessary, the Forum to request reports from officers on matters relating to disability and mental health services.
- (j) To identify and manage differences between disabled people, their carers and other agencies.
- (k) The Council will be encouraged to utilise the forum to keep disabled people and mental health service users informed of current and forthcoming policies, practices and procedures that may affect them.
- (l) To acknowledge and campaign for equal access to service provision for those people who have disability and mental health support needs.

Brent Connects - Private Sector Housing Forum

- 10.23 To raise and/or respond to issues and concerns and to make representations and recommendations to the Cabinet and relevant Council Committees or Sub-Committees (including Scrutiny) concerning:

- (a) the development of policies and procedures in consultation with users which promote and support the availability of good quality owner occupied in rented accommodation in the private sector;
- (b) topics of general interest on private sector housing;
- (c) performance of services offered to elderly and disabled people; and
- (d) any other matters affecting residents and stakeholders involved in the provision of residential accommodation in the private sector in the borough.

Brent Connects - Pensioners Forum

- 10.24
- (a) To ensure that the Council is aware of the policies and aspirations of older people within the borough.
 - (b) To consider at a draft stage all aspects of Council policy as it relates to the needs of older people.
 - (c) To encourage the Council to make the best and most efficient use of resources available in the borough for older people and to publicise them to the residents of Brent.
 - (d) To be a formal point of consultation for the Council on services provided for older people.
 - (e) To encourage and identify opportunities for the Council to work in partnership with other agencies and voluntary groups on issues relating to older people.
 - (f) To raise and/or respond to issues and concerns and to make representations and recommendations to the Cabinet and relevant Council committees or sub-committees (including Scrutiny) concerning matters relating to older people.

Brent Connects Voluntary Sector Liaison Forum

- 10.25
- (a) To provide a vehicle for effective voluntary sector input into Council policy development and to promote more active partnership working between the Council and the local voluntary sector.
 - (b) To oversee the ongoing development, implementation and review of Brent Council's Voluntary Sector Strategy.
 - (c) To maintain a strategic overview of voluntary and statutory service provision in Brent, including the identification of gaps and overlaps in service provision.
 - (d) To consider Council policy and practice as it relates to voluntary sector issues.
 - (e) To provide advice to the Council on possible areas of grant funding priority and consider how these reflect the Council's overall strategic aims and objectives.

- (f) To consider and promote mechanisms through which the voluntary sector can become more effectively involved in regeneration within Brent.

Brent Connects - Equality Forum

- 10.26 (a) To focus on partnership working and building resilience within Brent's underrepresented and vulnerable communities, with the aim of reducing inequality.
- (b) To actively support the progress, achievement and development of initiatives to ensure that residents have equal access to services, resources and amenities.
- (c) To help the authority to develop strategies that contribute to reducing inequality across the borough and across all 9 protected characteristics.
- (d) To empower communities with knowledge and confidence to build capacity and reduce inequality.
- (e) To focus on partnership working and knowledge sharing with underrepresented communities and vulnerable groups, with the aim of building resilience reducing inequality.
- (f) ~~GIs an open form~~ open to any member of the public.
- (g) Will meet quarterly – meeting dates to be set annually as part of the Brent Council's Committee calendar.
- (h) Will be chaired by an elected Brent Council member appointed annually by full council.
- (i) The Equality Forum will be supported by officers from the Council's Diversity Team.
- (j) The Diversity Team will publicise and develop contacts to encourage participation from officers, members, the community and Brent's voluntary and Private sectors.
- (k) Officers to engage across the community to try to ensure representation across all 9 characteristics protected under the Equality Act 2010

YOUTH PARLIAMENT

10.27 The Council has established a Youth Parliament to give children and young people a genuine voice in the affairs of the Borough, and to implement the Council's obligations under the Children Act 2004.

The terms of reference of the Youth Parliament are:

- (a) To discuss and debate issues that affect children and young people and explore potential solutions within the context of formal and informal meetings.
- (b) To represent these views and receive responses from the Council's Cabinet, Scrutiny and Children & Young People's Strategic Partnership Board.

- (c) To evaluate the performance of service provision, recommending areas for improvement in the context of the Children and Young People's Plan.
- (d) To plan two consultation events per annum for children and young people to raise awareness of issues as agreed by the Youth Parliament.
- (e) To ensure that decisions taken as a result of young people's participation are fed back to young people through a variety of methods e.g. visits to schools, newsletters and websites.
- (f) Develop a training programme and materials for Youth Parliament members to enable effective participation.
- (g) To monitor progress towards implementation of the Hear by Rights standards across Council departments and other partner agencies represented on the Children & Young People's Strategic Partnership Board.
- (h) To consider possible options for the distribution of the Youth Opportunities Fund.

10.28 Members of the Youth Parliament will be chosen as follows:

- (a) 10 members from locality based youth groups,
- (b) 24 members from school councils,
- (c) 19 members from target and community groups, ~~and~~.
- (d) 2 councillors appointed by Full Council.

10.29 One member of the Youth Parliament together with one member of the Council will act as Co-Chairs. One further member of the Youth Parliament together with one further member of the Council will act as Co-Vice Chairs.

STAFF FORA

10.30 The Council has established an Employee Joint Consultative Committee and a Teachers' Joint Consultative Committee with the aims and roles set out below.

Employee Joint Consultative Committee

Constitution and functions

10.31 Functions and terms of reference:

- (a) Consultation on employment and related issues concerning all staff groups, except Chief Officers and teachers.
- (b) Consideration of issues, which have been previously raised with management and are considered to be unresolved.
- (c) Specifically excluded are issues which relate to individual employees (or former employees), although wider issues arising from cases can be raised.
- (d) Matters relating to collective disputes will not fall within the remit of the EJCC but will be dealt with under the Council's Collective Grievance and Disputes Procedure.

Representation

10.32 Membership of the EJCC shall comprise:

- (a) The Employers' Side: 8 Members of the Council of the London Borough of Brent who shall be appointed by the Council at the Annual Meeting.
- (b) The Employees' Side: 8 trade union representatives whose conditions of services are governed by the NJC for Local Government Employees and who shall be current employees of the Council.

10.33 The representatives shall be appointed by the trade union branches for the London Borough of Brent. The representatives of the employees shall retain their membership for one year, provided they remain in employment with the Council.

10.34 If a vacancy occurs a successor will be appointed within a reasonable period from the date of the vacancy.

Election of Chair and Vice-Chair

10.35 Each side will appoint a Chair. The Employers' Side will take the Chair the first year with the Vice-Chair coming from the Employees' Side. The positions will alternate in successive years.

Preparation of the agenda

- 10.36 (a) The agenda is to be prepared by the Employers' Side Secretary, in consultation with the Employees' Side Secretary.
- (b) No item other than those appearing on the Agenda is permitted to be transacted at the EJCC meetings unless both sides agree to its introduction.

Quorum

10.37 The quorum of the EJCC shall be 4 members of each side.

Urgent or 'specific issues' meetings of the EJCC

10.38 An emergency meeting may be called where agreed by the Chair and Vice-Chair that there is an urgent matter which cannot be resolved without the Committee's intervention or await the next scheduled meeting. This will be subject to 7 working days notice in writing by the Employee Side Secretary to the Operational Director, Human Resources such notice to set out the items for discussion at that meeting.

Decisions

10.39 Decisions will be arrived at by majority voting of both the Employers' Side and the Employees' Side.

Reporting links in the Council structure

10.40 Following the approval of the minutes of the EJCC by the Chair, these shall be submitted to the General Purposes Committee for noting.

Teachers' Joint Consultative Committee

10.41 (a) The Teachers' JCC shall comprise members of the Council appointed by the Full Council and the 13 Members of the Teacher's Panel

(b) The Teachers' Panel of the Teachers' Joint Consultative Committee shall be constituted as follows:

NUT	7
ATL	1
ASCL	1
NASUWT	2
NAHT	1
UCU	1

and election to the Panel shall be held internally by each organisation by March 31st each year. Vacancies occurring during the period of office shall be filled by the organisation which nominated the retiring member. All members of the panel must be employed as teachers in maintained schools or in the adult education service in the Borough of Brent.

(c) The Consultative Committee shall meet as and when required and shall, at its first meeting of each new council year, elect a Chair and Vice Chair. If the Chair appointed is a member of the Council, then the Vice Chair shall be appointed from the teachers' representatives and vice versa.

(d) Terms of Reference: To consult with teachers' organisation representatives in nursery, primary, secondary and special schools and in the adult education service on pay, terms and conditions.

LINKING THE CONSULTATIVE FORUMS TO THE COUNCIL AND TRACKING RECOMMENDATIONS AND REPRESENTATIONS

10.42 (a) If the Cabinet, Full Council, the Scrutiny Committee or a responsible officer wishes to consult a consultative forum in respect of any matter for which they are responsible they shall notify the relevant Lead Manager of their wish for this item to be placed on the agenda of the relevant forum. Any representations or recommendations of the relevant forum in response to the consultation shall be reported to the person or body raising the matter.

(b) If a consultative forum wishes to make representations or recommendations in respect of an item in the Forward Plan which it has not been, and is not planned to be, specifically consulted by the decision maker identified in the plan ("the decision maker"), any representations or recommendations agreed at a meeting of the relevant forum shall be submitted to the decision maker in writing.

(c) If a consultative forum wishes to make representations or recommendations in respect of an item not in the Forward Plan and which it has not been, and is not planned to be, specifically consulted by any part of the Council, any representations or recommendations agreed at a meeting of the relevant forum shall be submitted to Scrutiny Committee.

(d) If, at a meeting of a service user consultative forum or an area consultative forum a question or issue is raised which, in the view of the Chair or Lead

Manager, should be referred to an officer to be responded to the question or issue shall be so referred.

- (e) The response of the person or body to whom any representation or recommendation from a forum is referred shall be reported back to the forum following its consideration by that person or body.
- (f) A note summarising the discussion and outcome of each meeting shall be provided to the Lead Member for Human Resources & Diversity, Local Democracy and Consultation.
- (g) The Chair or any other person representing a relevant consultative forum may address a meeting of the Scrutiny Committee in accordance with Standing Order 60(e).

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 the exercise of parental responsibility in accordance with Regulation 32(4)
 - (vii) any other matter that it is required by law to consider.
- (c) Where recommendations are made in respect of an adoption with a foreign element then the Panel recommendations must take into account any modifications made to the Regulations by The Adoptions with a Foreign Element Regulations 2005(as amended by the adoptions with a foreign element (amendment) regulations 2009 and the 2012 Regulations).
- (d) The Council must maintain a list of persons who are considered by it to be suitable to be members of an adoption panel (“the Central List”), including-
- (i) one or more social workers who have at least three years' relevant post-qualifying experience, and
 - (ii) the medical adviser to the adoption agency (or at least one if more than one medical adviser is appointed).
- (e) The Operational Director Children’s Social Care will appoint officers and other persons to the Central List and appoint members from that list to the Panel. Full Council or the General Purposes Committee will appoint elected members to be included in the Central List and appoint elected members to the Panel.
- (f) The Operational Director Children’s Social Care must appoint a Chair who is an independent person and who has the necessary skills and experience to chair an adoption panel and who is not a disqualified person under the Regulations.
- (g) The Operational Director Children’s Social Care must also appoint a vice-chair to act in the Chair’s absence
- (h) A person included on the Central List and or appointed to the Panel may at any time ask to be removed from the Central List or Panel by giving one month’s notice in writing to the Council.
- (i) In accordance with the provisions of the Regulations, a list/panel member’s tenure may be brought to an end by the Council.
- (j) The Panel may not conduct its business unless its meeting includes the chair or vice-chair, at least one of the social workers, three other members, and where the Chair is not present and the vice chair is not an independent person, at least one other independent panel member.
- (k) The panel also carries out functions under the Fostering Regulations 2011 and will consider the following:
- (i) whether a prospective long term fosterer is suitable to be a long term fosterer;

- (ii) whether a prospective long term fosterer is suitable to be a long term foster carer of a particular child;

Fostering Panel

- 11.3 (a) The functions of the Fostering Panel are to consider issues relating to the fostering of children generally and specifically;
- to consider each application for approval and to recommend to the appropriate officer whether or not a person is suitable to act as a foster parent;
 - where it recommends approval of an application, to recommend the terms on which the approval is to be given;
 - to recommend whether or not a person remains suitable to act as a foster parent and whether or not the terms of his or her approval remain appropriate;
 - to advise on the procedures under which reviews are carried out by the Council and periodically monitor their effectiveness; oversee the conduct of assessments carried out by the fostering service provider; and
 - give advice and make recommendations on such other matters or cases as the fostering service provider may refer to it.
- (b) The Operational Director Children's Social Care must maintain a list of persons who are considered by it to be suitable to be members of a Fostering Panel ("the central list"), including one or more social workers who have at least three years' relevant post-qualifying experience. Full Council or the General Purposes Committee will appoint elected members to be included in the Central List and appoint elected members to the Panel.
- (c) The Operational Director Children's Social Care must appoint an Independent Chair and a Vice Chair.
- (d) To be quorate the Fostering Panel must include an Independent Chair or a Vice Chair, a social worker and three other members. Where the Chair is not present and the Vice Chair is not independent of the Council at least one other Panel member must be independent.

Local Safeguarding Children Board

- 11.4 (a) The Children Act 2004 requires each Local Authority to establish a Local Safeguarding Children Board, to be made up of representatives from the agencies and bodies which have regular contact with children or responsibilities for services to them in the local area.
- (b) The Brent Local Safeguarding Children 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 children in the area, and for ensuring the effectiveness of what the agencies do.

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- (c) Objectives of the Board:
- (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 children 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) Monitor the effectiveness of organisations' implementation of their duties under section 11 of the Children Act 2004.
 - (ii) Ensure that information is available to children to know who they can contact when they have concerns about their own safety and welfare.
 - (iii) Develop policies and procedures for safeguarding and promoting the welfare of children in the area of the authority.
 - (iv) Develop and implement strategies to safeguard and promote the welfare of groups of children who are potentially more vulnerable than the general population, for example children living away from home, children who have run away from home, or children with disabilities.
 - (v) Ensure that systems are in place to identify and support the safety and welfare of children who are privately fostered.
 - (vi) Develop and implement a training strategy to meet the training needs of staff across all agencies to work effectively together to safeguard and promote the welfare of children who may be at risk of significant harm.
 - (vii) Develop standards for the recruitment and supervision of persons who work with children and monitor their implementation and compliance. This will be informed by the findings of the Bichard Report.
 - (viii) Ensure that systems are in place for all agencies for the investigation of allegations of breaches of safeguarding practices concerning persons working with children and monitor compliance with the procedures.
 - (ix) Establish means of communication with the communities in the London Borough of Brent to ensure that issues of safeguarding are understood by all communities and to provide the opportunity for those communities' issues to be addressed by the Local Safeguarding Children Board.
 - (x) Monitor and evaluate the effectiveness of what is done by the Local Authority and board partners individually and collectively to

safeguard and promote the welfare of children and advise them on ways to improve.

- (xi) Participate in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account.
- (xii) Undertake serious cases reviews as required by chapter 6 of Working Together to Safeguard Children.
- (xiii) Develop and analyse performance indicators relevant to safeguarding children in Brent.
- (xiv) Agree the reporting of management information from agencies to provide an overview of safeguarding activity within the area of the Safeguarding Children Board.
- (xv) Implement child death review groups prior to the statutory deadline of April 2008.

(e) Membership

The Brent Local Safeguarding Children Board will be chaired by an independent chair. The Operational Director Children's Social Care will become the vice chair. Membership will be drawn from:

- the Chief Officer of Police
- the Probation Board
- the Youth Offending Team
- Strategic Health Authorities and Primary Care Trust
- NHS Trusts and NHS Foundation Trusts
- the Connexions Services
- CAF/CASS (Children and Family Courts Advisory and Support Service)
- Domestic Violence Forum
- Local authority legal services
- Drug and Alcohol misuse services
- Representatives of Voluntary Organisations
- Housing

Local Safeguarding Adults Board

11.5 (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
 - An appropriate representative 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
 - Principal Social Worker
 - Legal Advisor to the Board

Independent Admission Appeals Panel

- 11.65 (a) The Independent Admission Appeals Panel is established under the School Standards and Framework Act 1998. Its purpose is to determine

appeals by parents and in certain circumstances children aged 16 or over who have been refused admission to sixth form against a decision by the LA as to the school at which education is to be provided for a child or in the case of a community or voluntary school maintained by the LA a decision by the governing body to refuse a child admission to a school.

- (b) The panel would also deal with appeals by a governing body against a decision of the Council to admit a child to a community or voluntary controlled school who has been permanently excluded from two or more schools.
- (c) The membership of the Independent Admission Appeals Panel consists of between three and five members appointed by the LA. The Panel must contain:
- at least one member with experience in education who has knowledge of educational conditions in the area of the authority, or is a parent of a registered pupil at a school; and
 - at least one member who is a lay person, that is, someone without personal experience in the management of a school or the provision of education in a school (other than experience gained in a voluntary capacity or as a school governor).
- (d) The LA retains a list of potential panel members. After an appeal has been submitted the LA must arrange for three (or less often five) appropriate panel members, including a Chairperson from the list, to constitute the panel and hear the appeal.

Independent Review Panel

- 11.76 (a) The Independent Review Panel is established under the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. Its purpose is to review the decision of a governing body not to reinstate a pupil who has been permanently excluded from a school maintained by the LA if the parent of that pupil makes an application for review within the legal time frame.
- (b) The membership requirements for the Independent Review Panel are that there must be three or five members (as decided by the LA). The Panel must contain :
- the Chair who must be a lay member, defined as someone who has not worked in a school in any paid capacity; and
 - at least one person who has been a governor of a maintained school provided that they have served in this capacity for at least 12 consecutive months in the last 6 years; and
 - at least one person who must be, or have been within the last five years, a head teacher of a maintained school.
- (c) The LA retains a list of potential panel members. After a pupil has been excluded and an application for review is submitted the LA must arrange

for three (or less often five) appropriate panel members, including a Chairperson, to constitute the panel and review the matter.

Trading Standards Joint Advisory Board

11.87 Brent Council has agreed to carry out Trading Standards services for the London Borough of Harrow. In order to oversee and review these arrangements the two authorities have established a Trading Standards Joint Advisory Board which will:-

- (a) consider the operation, extent and management of the Trading Standards service;
- (b) consider the annual report of the Head of Trading Standards;
- (c) consider management reports concerning complaints from customers about the service;
- (d) receive reports and representations submitted to it by the Head of Trading Standards or the relevant commissioning officers in Brent and Harrow Councils on matters relating to the service; and
- (e) consider and make recommendations on the level of fees and charges to be made to the public in respect of any part of the service.

Schools' Forum

11.98 (a) The Schools' Forum is established under the Education Act 2002. The LA is required to consult the Forum on a number of matters including:

- (i) any proposed changes to the school funding formula, including the financial impact of any proposed changes; and
 - (ii) proposed contracts for the tender of supplies or services where the value is not less than the threshold for application of the EC Regulations and the contract is paid or will be paid out of the LA's schools budget.
- (b) The LA must consult the Forum annually in respect of the LA's functions relating to the schools budget. This specifically relates to:
- (i) the arrangements to be made for the education of pupils with special educational needs;
 - (ii) arrangements for the use of pupil referral units and the education of children otherwise than at school;
 - (iii) arrangements for early years education;
 - (iv) arrangements for insurance;
 - (v) prospective revisions to the LA's scheme for the financing of schools;

- (vi) administrative arrangements for the allocation of central government grants paid to schools via the LA; and
 - (vii) arrangements for free school meals.
- (c) The LA may consult the Forum on any other issue it thinks fit. Other issues which the Forum considers include the asset management arrangements of the LA and its capital programme.
- (d) The membership of the Forum is:
- (i) four Primary Heads;
 - (ii) four Primary Governors;
 - (iii) three Secondary Heads;
 - (iv) three Secondary Governors;
 - (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

- 11.10~~4~~(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.
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

(To ensure the effectiveness of what is done by each such person or body for those purposes.~~

~~(d) **Terms of Reference of the Board:**~~

~~The role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults.~~

~~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;~~

~~establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;~~

~~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;~~

~~develop preventative strategies that aim to reduce instances of abuse and neglect in its area;~~

~~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;~~

~~formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;~~

~~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;~~

~~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';~~

~~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;~~

~~carry out safeguarding adult reviews and advise the local authority and Board Partners on lessons to be learned;~~

~~produce a Strategic Plan and an Annual Report;~~

~~evidence how Board members have challenged one another and held other Boards to account and determine arrangements for peer review and self-audit; and~~

~~Review and comment on the impact for safeguarding of individual member agencies' operational strategic decision making, including budgetary considerations.~~

~~(e) Membership~~

~~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~~

~~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

11.11~~3~~ (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) was established by the Mayor of London pursuant to an Establishment Order made on 23 January 2015 and which came into effect on 1 April 2015. The 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.

~~(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.~~

~~(c) 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 (db) 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, t~~The OPDC has can delegated some of its planning functions back to the Council. ~~On 2 March 2015, Full Council agreed that certain These functions are 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

- 11.1~~24~~(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)
- 11.1~~24~~(b) No substitutes are permitted.
- 11.1~~24~~(c) Members of the Pension Board shall be appointed by the General Purposes Committee.

Terms of Reference

- 11.1~~24~~(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;
 - (iv) (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; To produce an annual report outlining the work of the Board throughout the financial year to the General Purposes Committee.

Article 12 – Joint Arrangements

Arrangements to promote well being

- 12.1 The Council, in order to promote the economic, social or environmental well being of its area, may:
- (a) enter into arrangements or agreements with any person or body;
 - (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
 - (c) exercise on behalf of that person or body any functions of that person or body.

Joint arrangements

- 12.2 (a) The Council and/or the Leader may establish joint arrangements with one or more local authorities and/or their Executives to carry out any of their functions. The Leader has agreed to delegate his/her executive functions in this regard to the Cabinet.
- (b) Any such joint arrangements may involve the appointment of joint committees with the other local authorities and/or their Executives.
- (c) Except as set out in (d) below, where all the functions of a joint committee are executive functions, the Cabinet may only appoint Cabinet members to that joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may only appoint members to a joint committee from outside the Cabinet if the joint committee will be exercising executive functions for only part of the area of the authority, and that area is smaller than two-fifths of the total area of the authority or the population of that area is less than two-fifths of the total population of the authority. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area.
- (e) The political balance requirements do not apply to such appointments.

Current Joint Committees

12.3 The Council is a member of the following joint committees:

- London Councils Committee
- London Councils Transport and Environment Committee
- London Councils Grants Committee
- London Housing Consortium
- Northwest London Joint Health Overview and Scrutiny Committee
- [West London Economic Prosperity Board](#)

12.4 The terms of reference for these Joint Committees and the details of the memberships are set out in Part 5 of this Constitution.

Access to Information Rules for Joint Committees

12.5 The Access to Information Rules for Joint Committees are set out in the Access to Information Rules in Part 6 of this Constitution.

Delegation to and from other local authorities

- 12.6 (a) The Council may delegate non-executive functions to another local authority or, if the function is an executive function of the other local authority, to the Executive of that local authority.
- (b) The Cabinet may delegate executive functions to the Cabinet of another local authority or if the function is a non-executive function of the other local authority to that local authority.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council in the case of a delegation to the local authority and to the Cabinet in the case of a delegation to the Cabinet .

Contracting

12.7 The Council or Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

12.8 The Council may enter into collaborative procurement arrangements with other local authorities. Delegation of the Council's discretionary decision making as part of any such arrangements may only be agreed by the Full Council or the Cabinet as appropriate.

Article 13 - Officers

Management structure

13.1 General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

13.2 Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	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, and councillors, on strategy and policy. Acting in an executive capacity by making decisions or ensuring a system is in place for other officers to make decisions, as authorised by the Council. Delivering probity, value for money and continuous improvement.
Chief Operating Officer	Management of policy, performance, scrutiny, partnership, community engagement, communications, complaints, human resources, equalities, business support, legal services, procurement, electoral, committee, Member and Mayoral services, Freedom of Information, finance, audit and investigation, IT, public health, highways, transport strategy, Brent Transport Services, transportation, refuse and street cleansing, parking, parks and open spaces, cemeteries, accident prevention, emergency planning and business continuity, waste management and recycling, street lighting, environment, CCTV monitoring, sport and leisure, leisure centres, arts, libraries, museums, and archives, community safety, nationality service, Registrar of Births, Deaths and Marriages, customer services, revenue and benefits.
Strategic Director Children & Young People	Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities

	and all functions of the Local Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people.
Strategic Director Adults	Statutory Director of Adult Social Services, health, adult physical disability, learning disability, mental health services, services to older people, safeguarding adults, emergency duty team, asylum in so far as it is not a housing matter, adult social care complaints, and any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People.
Strategic Director Regeneration and Growth	Regeneration, urban renewal, economic development, building new education facilities, statutory land use, planning, development and building control, land charges, street naming and numbering, housing regeneration, affordable housing development, corporate property, facilities and premises management. All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services, liaison and transactions with Housing Associations, homelessness and housing strategy, housing management, adult and community education, environmental health, licensing, street trading, trading standards, mortuary, health & safety, contaminated land, pollution control, food safety and pest control.

Head of Paid Service, Monitoring Officer and Section 151 Officer~~Chief Finance Officer~~ and other Statutory Chief Officer posts

13.3 The Council has made the following designations:

Post	Designation
Chief Executive	Head of Paid Service
Chief Legal Officer	Monitoring Officer
Chief Finance Officer	<u>Section 151 Officer</u> Chief Finance Officer
Strategic Director Children and Young People	Director of Children's Services
Strategic Director Adults	Director of Adult Social Services

Director of Public Health	Director of Public Health
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Structure

13.4 The Chief Executive determines and publicises a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

Functions of the Monitoring Officer

13.5 (a) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by councillors, officers and the public.

(b) Ensuring lawfulness and fairness of decision making

After consulting, as appropriate, with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission has, may or would give rise to unlawfulness or to any maladministration which has been investigated by the Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) Conducting investigations

The Monitoring Officer will conduct investigations into matters referred to him or her by the Standards Committee and make reports or recommendations in respect of them to the Standards Committee.

(e) Advising whether Cabinet decisions are within the Policy Framework and the Budget

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Policy Framework and the Budget.

(f) Providing advice

The Monitoring Officer will provide advice to all councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.

(g) Section 36 determinations

The Monitoring Officer will act as the 'qualified person' referred to in section 36 of the Freedom of Information Act 2000 for determinations under that section of the Act.

Restrictions on posts

- 13.6 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Functions of the Chief Finance Officer

13.7 (a) **Ensuring lawfulness and financial prudence of decision-making**

After consulting, as appropriate, with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council, or to the Cabinet in relation to an executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

- 13.8 The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in those officers' eir opinion sufficient to allow their duties to be performed.

Functions of the Director of Public Health

- 13.9 (a) Principal adviser to officers and members on all public health matters.

- (b) to write the annual report on the health of the local population
- (c) to take steps to improve public health
- (d) to plan for and respond to emergencies which present a risk to public health
- (e) to carry out such public health functions or health protection functions as the Secretary of State may delegate or specify in regulations
- (f) to co-operate with the police, probation service and prison service in accordance with the Council's duties under Section 325 of the Criminal Justice Act 2003
- (g) to be responsible for the Council's public health response under the Licensing Act 2003
- (h) to authorise Patient Group Directions on behalf of the Council

Conduct

- 13.10 Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in the Constitution.

Article 14 – Decision Making

Responsibility for decision making

- 14.1 The Council will issue and keep up to date a record of which part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 4 of this Constitution.

Principles of decision making

- 14.2 All decisions of the Council will be made in accordance with the following principles:
- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
 - (b) due consultation and the taking of professional advice from officers;
 - (c) respect for human rights;
 - (d) a presumption in favour of openness;
 - (e) clarity of aims and desired outcomes; and
 - (f) explaining the reasons for a decision and the options considered.

Key decisions

- 14.3 A Key Decision is defined in statute as an executive decision which 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.

~~14.4 Number not in use.~~

- 14.45 A decision maker or decision making body may only make a Key Decision in accordance with the requirements of the Access to Information Rules set out in Part 6 of this Constitution.

The Forward Plan

- 14.56 A Forward Plan shall be prepared by the Head of Executive and Member Services giving not less than 28 days notice of any decision to be taken by the Cabinet and this will be updated and republished 28 days before each meeting of the Cabinet. The Forward Plan will contain matters which the Head of Executive and Member Services has reason to believe will be the subject of a Key Decision to be taken by the Cabinet, a committee of the Cabinet, officers or under joint arrangements in the course of the discharge of an executive function.

14.67 More information about the Forward Plan and the rules relating to it are included in the Access to Information Rules.

Decision making by Council bodies acting as tribunals

14.78 The Council, a committee, sub-committee or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations of any person will follow a proper procedure which accords with the requirements of natural justice and the European Convention on Human Rights.

Article 15 – Finance, Contracts and Legal Matters

Financial management

- 15.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations.

Audit

- 15.2 The Council has appointed internal and external auditors. Responsibility for overseeing the audit function rests with the Audit Committee.

Contracts

- 15.3 Every contract made by the Council will comply with the Contract Standing Orders set out in Part 3 of this Constitution.

Legal proceedings

- 15.4 The Chief Legal Officer and, on the advice of the ~~Chief Legal Officer~~, Chief Officers are authorised to institute, defend, settle or participate in any actual or contemplated legal or formal proceedings where such action is necessary to give effect to decisions of the Council or in any case where the Chief Legal Officer considers that such action is necessary to protect the Council's interests.

Authentication of documents

- 15.5 Where any document is necessary for any legal procedure or proceedings, it will be signed by the Chief Legal Officer or any other person duly authorised under the Constitution or by the Chief Legal Officer for such purpose unless any enactment authorises or requires otherwise.

Sealing of Documents

- 15.6 The rules relating to the sealing of documents are set out in the Standing Orders.