



**Full Council**  
22 November 2010

**Report from the Director of  
Legal and Procurement**

Wards affected:  
NONE

**Changes to the Constitution**

**1.0 Summary**

- 1.1 This report proposes a series of changes to the Council's Constitution arising out of the Council's departmental restructuring and other miscellaneous and incidental changes.

**2.0 Recommendations**

Members are asked to;

- 2.1 Agree the changes to the Constitution set out in **Appendix 1** in relation to the departmental structure changes.
- 2.2 Agree the delegation of functions to officers as set out in Part 4 of the Constitution attached as **Appendix 1**
- 2.3 Agree that the Borough Solicitor make such changes to the Constitution as are incidental to the changes set out in **Appendix 1**
- 2.4 Resolve that where the Council, Executive or Committee of the Council has delegated a function, decision, power or action to a Director and that Director no longer has responsibility for that matter under the terms of Part 4 of this Constitution (as revised by members), or the directorship no longer exists, such delegations shall with effect from 22 November 2010 be deemed to have been made to the Director who now has responsibility for the matters to which the delegation relates.

- 2.5 Agree the changes to the Constitution set out in **Appendix 2** in relation to contracts Standing Orders.
- 2.6 Agree the change to the membership of the Alcohol and Entertainment Licensing Sub Committees set out in **Appendix 3**
- 2.7 Agree the recent minor changes made to the Constitution by the Borough Solicitor using her delegated powers set out in **Appendix 4**

### **3.0 Detail**

#### *Changes to the Constitution as a result of the Departmental Structure Changes*

- 3.1 The amendments to the Constitution are necessary to reflect the changes to the Council's departmental structure which were approved by the Executive on 11<sup>th</sup> August 2010. The changes to the Council's departmental structure were made to improve the efficiency of the Council's operations, to enable the Council to deal with the financial challenges it currently faces, to protect frontline services and to enhance the Council's capacity to deliver its' policies. The restructuring has resulted in the deletion and creation of various directorships and departments and changes to the functions and services managed by the new corporate directors. As a consequence of the structural changes, and the changes to officers' titles and roles, it is necessary to update the Constitution so as to ensure that it accurately sets out the arrangements and that the council's functions are delegated appropriately. References to the Directors and departments appear throughout the Constitution, and most particularly are described in Part 2 Article 13 and in Part 4. These are attached as **Appendix 1**. The changes to the delegations and the appointment of statutory and proper officers also appear in Part 4 of the Constitution and the detail is attached in **Appendix 1**. Changes to the constitution are a matter for Full Council and accordingly while the structure of the council has been changed by approval of the Executive, it is for members of Full Council to make changes to the Constitution and agree the delegation of functions.
- 3.2 There are also minor and incidental changes throughout the Constitution arising from the restructuring, such as changes to the names of Directors and other officer posts. To save the cost of attaching all the minor changes as an appendix to this report a full amended version of the Constitution has been made available to members at the Director of Legal and Procurement's Office in advance of this meeting. Members are asked to agree that the Director of Legal and Procurement be permitted to make these incidental changes.
- 3.3 During the course of Council business the Council, Executive and Committees of the Council have from time to time delegated a function, decision, power or action to a Director. Under the new arrangements some of the corporate directors' titles have changed such that the original post no longer exists, some posts have been deleted and others created. Furthermore in some cases the areas of responsibility have changed. In order that the delegations made by the Council and its committees remain valid and effective, members are asked to resolve that such delegations shall with effect from 22 November 2010 be deemed to have been

made to the Director who now has responsibility for the matters to which the delegation relates.

#### 3.4 *Reasons for proposed change to Contract Standing Order 97*

The Council regularly places contracts for a range of repairs with contractors. Many of these contracts are classed as Low Value contracts. Officers consider that for certain categories of repair works it would be helpful to establish a list of contractors that have been assessed for financial standing, health and safety compliance, equalities, etc. and seek quotes only from these contractors for relevant Low Value Contracts for repairs. This would avoid the risk of either the Council contracting with contractors that have not been assessed for such matters or where they are assessed, avoid the delay in carrying out the assessment prior to contracting. The proposed amendment to Standing Order 97 allows for the establishment of a Small Works and Services Approved List and delegates to the Director of Legal and Procurement in consultation with the Director of Finance and Corporate Services the power to draw up rules for operation of the Small Works and Services Approved List. The amendments also make the use of the Small Works and Services Approved List mandatory for all relevant categories of repairs. The changes proposed which members are asked to agree are attached as **Appendix 2**.

#### *Changes to the membership of the Alcohol and Entertainment Licensing Sub Committees*

- 3.5 The Alcohol and Entertainment Licensing Committee comprises of 15 members, and the three sub committees are comprised of 3 members from that committee. The Constitution contains a clerical error in that it provides that membership of the sub committees can be drawn from the alternates of the main committees in addition to the members of the main committee. This is not the case in practice and there are sufficient members of the main committee to provide membership of the sub committees. The amendment proposed is set out in **Appendix 3**

#### *Changes made under delegated powers*

- 3.6 A minor change was made by the Director of Legal and Procurement under delegated powers to give effect to changes required by statute, made to remove ambiguity or inconsistency or where the changes were considered minor. In accordance with the Constitution these are now being reported to Full Council for agreement.
- 3.7 The Local Government and Housing Act 1989 requires that Standing Orders address the appointment of Political Assistants. The Standing Orders as drafted provide for such appointment but would benefit from being more specifically covered. The amendments made for which agreement is sought are set out in **Appendix 4**.

#### **4.0 Financial Implications**

4.1 There are no financial implications arising from this report.

## **5.0 Legal Implications**

5.1 The legal issues are dealt with in the body of the report.

## **6.0 Diversity Implications**

6.1 There are no diversity implications arising from this report.

## **7.0 Staffing**

7.1 There are no staffing implications arising from this report.

### **Background Papers**

*Brent Constitution*

### **Contact Officers**

Should any person require any further information about the issues addressed in this report, please contact Kathy Robinson, on telephone number 020 8937 1368.

**FIONA LEDDEN**

**Director of Legal and Procurement**