

 <p>Brent</p>	<p align="center">Full Council</p> <p align="center">10 July 2017</p> <p align="center">Report from the Chief Legal Officer</p>
<p>For Action Wards Affected: ALL</p>	
<p>Changes to the Constitution</p>	

1.0 Summary

- 1.1 This report proposes a number of small amendments, including a change to clarify the powers of the Chief Executive to make urgent decisions in the event of an emergency where she is acting as “Gold” on behalf of the London Boroughs.

2.0 Recommendations

- 2.1 That Council approves the change to the Constitution proposed in this report and authorises the Chief Legal Officer to amend the Constitution accordingly.

3.0 Detail

- 3.1 Chief Executive’s Urgency Powers: Under the constitution the Chief Executive has power to exercise any powers of the council, if that is lawful, in situation of urgency. It is proposed that an explicit confirmation that this power applies when she is acting as the “Gold” Chief Executive for London local authorities be added to the provision..

- 3.2 The proposed amendment to the Constitution is as follows:

2. Powers Delegated to Officers

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- 2.3.2 Exceptionally, (including at any time when the Chief Executive is acting as “Gold” on behalf of the London local authorities following the convening of the Strategic Co-Ordinating Group (“Gold Command”) notwithstanding

anything in this Constitution, the Chief Executive shall be authorised to exercise either executive or non-executive functions where the matter is urgent unless this is prohibited by law.

- 3.3 Contract Standing Orders: Amendments are proposed to the provisions in respect of collaborative procurements. These will make explicit that the requirement to seek the consent of the Chief Finance Officer and the Chief Legal Officer (or for High Value Procurements, the Cabinet) if a collaborative procurement process or agreement is to depart from the Council's Standing Orders and/or Financial Regulations, applies when the council is leading the collaborative procurement as well as when another authority is leading.

Collaborative Procurement	Any arrangement between the Council and any other body under which the <u>council or the</u> other body undertakes a procurement process with or on behalf of the <u>Council/other</u> .
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85. Partnership Arrangements and Collaborative Procurement

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- (c) Any Collaborative Procurement shall comply with these Standing Orders and Financial Regulations unless;
- (i) agreed otherwise in writing by the Chief Finance Officer and the Chief Legal Officer; or
 - (ii) in the case of a High Value Contract, the agreement of the Cabinet is obtained under Standing Order 84(a).

For the purposes of this Standing Order the contract value shall be calculated on the estimated value of the Council's part of the contract only.

- (a) Any agreement between the Council and one or more other body which includes any payment by the Council in respect of the costs of carrying out a Collaborative Procurement shall comply with these Standing Orders unless agreed otherwise in writing by the Chief Finance Officer and the Chief Legal Officer.

- 3.4 Standing Orders Relating to Staff: The following amendment is proposed so that express reference is made not just to the relevant standing order but also the detailed HR procedures, approved by the General Purposes Committee on 16 December 2015, which must also be followed in respect of the dismissal processes for three statutory officers:

78. Disciplinary action against the Head of Paid Service, the Monitoring Officer or the Section 151/Chief Finance Officer

- (a) No 'disciplinary action' as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 may be taken in respect of the Chief Executive, Monitoring Officer or Section 151/Chief Finance Officer other than in accordance with Standing Order 79 and HR Procedures: Disciplinary and Dismissal Procedures for the roles of the

4.0 Financial Implications

4.1 There are no financial implications arising directly from this report.

5.0 Legal Implications

5.1 These are addressed in the body of the report.

6.0 Diversity Implications

6.1 Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.2 Due regard is the regard that is appropriate in all the circumstances. There are no equalities implications arising from this report.

Background Papers

None

Contact Officers

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