



(1) Audit and Standards Advisory Committee

(2) Audit and Standards Committee

20 March 2019

Report from the Director of Legal and HR Services

Update on Financial and Procedural Rules Governing the Mayor's Charity Appeal

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	One: Appendix 1 Financial and Procedural Rules Governing the Mayor's Charity Appeal
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Debra Norman, Director of Legal &HR 020 8937 1578 Email: Debra.Norman@brent.gov.uk Biancia Robinson, Senior Constitutional & Governance Lawyer 020 8937 1544 Email: Biancia.Robinson@brent.gov.uk

1.0 Purpose of the Report

- 1.1 The purpose of this report is to update the Audit and Standards Advisory Committee on the recommended changes to be made to the financial and procedural rules for governing the Mayor's Charity Appeal; and seek the Audit and Standards Committee's approval of the same.

2.0 Recommendations

- 2.1 That the **Audit and Standards Advisory Committee** consider, note and recommend the contents of the report and the proposed changes relating to the financial and procedural management of the Mayor's Charity Appeal as set out in Appendix One of this report.
- 2.2 That the **Audit and Standards Committee** consider the contents of the report and approve the proposed changes to the Financial and Procedural Rules governing the Mayor's Charity Appeal.

3.0 Detail

- 3.1 The Mayor in their capacity as First Citizen is expected to:
 - a) act as the representative of the area;
 - b) participate in and help initiate activities that enhance the economic, social, cultural and environmental well-being of the borough; and
 - c) act as an advocate of the local community.

It is in this capacity, that each new Mayor chooses one or more charities which they intend to support through donations/fund raising events during the Mayoral year.

- 3.2 The Financial and Procedural Rules (the Rules) governing the Mayor's Charity Appeal were last put before the Standards Committee in March 2011. At that time the Rules were updated to ensure transparency and reflect financial regulations.
- 3.3 Following a recent consideration of the Rules it is proposed to amend them in order to:
 - a) clarify the fact that the chosen charities must be locally based, or a local branch of a national charity, whose aims and objectives benefit the residents of Brent.
 - b) enable greater flexibility, in the eventuality that one or more of the Mayor's chosen charities ceases to operate, or be registered with the Charities Commission, so that collected funds can be gifted to the remaining Charity chosen by the Mayor; or a registered charity which has the closest aims and functions.
 - c) provide a greater reputational protection for the Council in circumstances in which it becomes inadvisable or impossible to continue to raise funds on behalf of the charity named by the Mayor.

The proposed changes are set out in Appendix 1.

4.0 Financial Implications

- 4.1 There are no financial implications arising out of this report. The funds collected by the Mayor's Office on behalf of the charities are governed by trustee and charity law.

5.0 Legal Implications

5.1 The civic role of the Mayor is governed by s3 the Local Government Act 1972. However, when the Mayor nominates and then supports one or more charities by raising proceeds which are then donated to a charity, or charities, of their choice, the Council is exercising its wellbeing powers pursuant to s2 Local Government Act 2000.

6.0 Equality Implications

6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, s149 Equality Act 2010.

6.2 The s149 Public Sector Equality Duty (outlined above) in the Equality Act 2010 covers the following nine protected characteristics: age, disability, marriage and civil partnership¹, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 “Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to the effect is a matter for the council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged.

6.4 There are no equality implications arising out of this report.

7.0 Consultation with Ward Members and Stakeholders

7.1 Not applicable.

8.0 Human Resources/Property Implications (if appropriate)

8.1 Not applicable.

Report sign off:

Debra Norman

Director of Legal and HR Services

¹ 6.1(b) &(c) above does not apply to this protected characteristic..