



Full council
20 November 2023

**Report from the Corporate Director,
Governance**

Changes to the Constitution

Wards Affected:	All
Key or Non-Key Decision:	Council
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	One Appendix A: Proposed amendments to the Constitution
Background Papers:	None
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1.0 Executive Summary

- 1.1. This report proposes changes to speaking rights at Planning Committee and to the Procurement Rules.

2.0 Recommendation(s)

- 2.1 To agree the changes to the Constitution set out in Appendix 1.
- 2.2 To authorise the Corporate Director of Governance to amend the Constitution accordingly, including making any necessary incidental or consequential changes.
- 2.3 To note that, to the extent that the changes relate to executive functions of the Council, they have been approved by the Leader.

3.0 Detail

3.1 Contribution to the Borough Plan and Strategic Priorities

- 3.1.1 Ensuring the Constitution is kept up to date and supportive of good governance contributes to the delivery of all of the strategic priorities within the Borough Plan by supporting and enhancing the Council's activity.

3.2 Background

3.2.1 Speaking rights at Planning Committee

It is proposed that a change be made to the provisions in the Constitution concerning speaking rights at Planning Committee to enable representatives of public organisations (such as the Police) to speak if this is agreed by the chair. At the moment, there is no provision for this.

3.2.2 Procurement Rules

A number of changes to the procurement rules are due to be implemented on the 1 January 2024. The first relates to the implementation of The Department of Health and Social Care's Provider Selection Regime, which makes changes to the procurement of health care services. The second relates to an increase in the procurement thresholds for 2024 which have been released via the Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2023. The proposed changes set out in Appendix 1 reflect the various changes in legislation.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 None for the purposes of this report

5.0 Financial Considerations

- 5.1 None

6.0 Legal Considerations

- 6.1 These are contained in the body of the report.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

- 7.1. 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 or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2 “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. Depending on the circumstances, regard should be had to the following:

- the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision;
- the need to remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;
- the need to take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes taking account of disabled persons’ disabilities. There can be a positive duty to take action to help a disabled person. What matters is how they are affected, whatever proportion of the relevant group of people they might be;
- the need to encourage persons who share a protected characteristic to participate in public life (or in any other activity in which participation by such persons is disproportionately low); and
- the need to tackle prejudice and promote understanding.

7.3 No equalities implications arise directly from this report.

8.0 Climate Change and Environmental Considerations

8.1 None

9.0 Human Resources/Property Considerations (if appropriate)

9.1 None

10.0 Communication Considerations

10.1 None

Report sign off:

Debra Norman
Corporate Director, Governance