

	Annual Council Meeting 14 May 2025
	Report from the Corporate Director Finance & Resources
Annual Review of 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
Contact Officer(s): (Name, Title, Contact Details)	Marsha Henry, Director, Law 020 8937 4078 Marsha.Henry@brent.gov.uk

1.0 Executive Summary

- 1.1. This report proposes changes to the Constitution arising out of the annual review of its provisions and operation.

2.0 Recommendation(s)

- 2.1 To agree the changes to the Constitution set out in Appendix A.
- 2.2 To note that the list of cabinet members and portfolio holders in Part 1 of the Constitution will be updated to reflect the appointments of, and allocation of functions to, Cabinet Members by the Leader.
- 2.3 To authorise the Director of Law to amend the Constitution accordingly, including making any necessary incidental or consequential changes.
- 2.4 To note that, to the extent that the changes relate to executive functions of the Council, they have been approved by the Leader.

3 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 A review of the provisions of the Constitution and its operation over the year is undertaken each year in the period leading up to the Annual Meeting to ensure the Constitution remains up to date and fit for purpose. The changes proposed this year are set out in Appendix A and described below.

3.3 Changes to Part 4 - Terms of Reference

- 3.3.1 The North West London Joint Health Overview and Scrutiny Committee ("NWL JHOSC") was established to provide a joined up approach towards the scrutiny of plans for meeting the health needs of the population, arranging the provision of health services across North West London with a particular focus on the planning and, delivery of services being lead through the North West Integrated Care System and their Integrated Care Board, in order to enable a more coordinated approach than might normally be taken by individual local authorities.
- 3.3.2 Following a recent review of the JHOSC Terms of Reference it is necessary to clarify the remit of the NWL JHOSC in respect of its powers available to consider any substantial reconfiguration of health services. The reason being, the JHOSC terms of reference as currently drafted, specifically excludes JHOSC from acting for the purposes of being consulted on any major reconfiguration of health services across NWL, such as the Specialist Palliative Care Reconfiguration.
- 3.3.3 It is proposed to the JHOSC Terms of Reference to formally enable the JHOSC to respond to proposals relating to substantial reconfiguration.

3.4 Changes to Part 5 – Members Code of Conduct (the Code), Gifts & Hospitality

- 3.4.1 The acceptance of gifts and hospitality by Members is governed by the Brent Members Code of Conduct and the Bribery Act 2010.
- 3.4.2 Following discussion at the Constitutional Working Group (CWG) it is proposed to amend the gifts and hospitality provisions of the Code to require members accepting any gift or hospitality valued as £500 or more to provide reasons to the Monitoring Officer as to why they consider it appropriate to accept the gift or hospitality.

4.0 Stakeholder and ward member consultation and engagement

- 4.1 The proposed changes have been discussed at the Constitutional Working Group.

5.0 Financial Considerations

- 5.1 None

6 Legal Considerations

- 6.1 The North West London Joint Health Overview and Scrutiny Committee is appointed under the provisions of regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218 ('the 2013 Regulations'), which provides that two or more local authorities may appoint a joint overview and scrutiny committee of those authorities and arrange for relevant functions in relation to any (or all) of those authorities to be exercisable by the joint committee subject to such terms and conditions as the authorities may consider appropriate.
- 6.2 Regulation 23 of the 2013 Regulations provides that, where a responsible person has under consideration any proposal for a substantial development of the health service in the area of a local authority, or for a substantial variation in the provision of such service, they must consult the authority. The proposed revisions to the joint committee's terms of reference retains the requirement that individual member authorities be consulted in relation to substantial developments and variations in the provision of health services in their local authority area.
- 6.3 The proposed changes to the joint committee's terms of reference are designed to ensure these powers are clearly reflected with the Terms of Reference for the JHOSC.

7.0 Equity, 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:

Minesh Patel

Corporate Director, Finance & Resources