



Annual Council Meeting
20 May 2026

**Report from the Corporate Director
of Finance & Resources**

Changes to the Constitution

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| 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: | None |
| Background Papers: | None |
| Contact Officer(s): (Name, Title, Contact Details) | Marsha Henry, Director, Law Marsha.Henry@brent.gov.uk Pameel Crowther- Newman, Head of Law, Litigation, Pameel.Crowther-Newman@brent.gov.uk |

1.0 Executive Summary

- 1.1. This report proposes that Full Council urgently review the standing orders on questions and motions in Part 2 of the Constitution because of the new political make-up of the Council.

2.0 Recommendation(s)

- 2.1 To review and agree amendments to standing orders 35 and 41 in Part 2 of the Constitution as detailed in paragraphs 5.1 and 5.2 of this report.
- 2.2 To authorise the Director of Law to amend the Constitution, accordingly, including making any necessary incidental or consequential changes.

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 the strategic priorities within the Borough Plan by supporting and enhancing the Council's activity.

4.0 Background

- 4.1 A general 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.
- 4.2 Given the local elections on 7 May 2026, that is not practicable at this Annual Meeting. This year's annual review will therefore be reported at the first ordinary Council Meeting in July.

5.0 Standing orders on questions and motions

- 5.1 Currently, SO 35 states as follows:

"35. Questions from the Opposition and Non-Cabinet Members

(a) Non-Cabinet members (except the Mayor and Deputy Mayor) will be permitted to put a maximum of 5 written questions to the Cabinet on any matter which is the responsibility of the Cabinet. Each non-Cabinet member may only put one written question to the Cabinet in any one question time session. The 5 written questions are to be divided as follows: 1 from each of the opposition group, and 3 from the administration group."

- 5.2 Currently, SO 41 states as follows:

"(b) A maximum of 4 motions will be put to Council at anyone meeting (two by the administration group and one by each of the opposition group) which will be debated."

- 5.3 As these standing orders are now out of date, they need to be reviewed and amended so that appropriate and workable rules are in place ahead of the next ordinary meeting of Council in July 2026.
- 5.4 If following publication of this report, but prior to the Annual Meeting on 20 May 2026, the political groups have agreed a way forward, an updated report will be published.

6.0 Stakeholder and ward member consultation and engagement

- 6.1 The proposed changes were reported to the Constitutional Working Group before the local elections and deferred for consideration following the election results.

7 Financial Considerations

- 7.1 There are no financial implication arising from this report.

8 Legal Considerations

8.1 The legal issues are addressed in the body of the report.

9.0 Equity, Diversity & Inclusion (EDI) Considerations

9.1. 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.

9.2 “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.

9.3 No equalities implications arise directly from this report.

10.0 Climate Change and Environmental Considerations

10.1 None

11.0 Human Resources/Property Considerations (if appropriate)

11.1 None

12.0 Communication Considerations

12.1 None

Report sign off:

Minesh Patel

Corporate Director, Finance & Resources