



**Full Council**  
18 September 2017

**Report from the Chief Legal Officer**

For Action

Wards Affected:  
ALL

**Changes to the Constitution**

**1.0 Summary**

- 1.1 This report proposes a number of changes to the council's Constitution to reduce its length and complexity. In addition, some minor updating and clarification changes are proposed.

**2.0 Recommendations**

- 2.1 To approve the changes to the Constitution proposed in this report and contained in the Appendix.
- 2.2 To authorise the Chief Legal Officer to amend the Constitution accordingly, including making any necessary incidental or consequential changes.

**3.0 Detail**

- 3.1 The purpose of the Constitution is to set out the fundamental principles and procedures which govern the operation of the council. Local Authorities are required by the Local Government Act 2000 to adopt a Constitution which contains a copy of the Council's standing orders, its code of conduct for members and the detailed information required by the Local Government Act 2000 (Constitutions) (England) Direction 2000.
- 3.2 The Council is free to change its Constitution from time to time, provided it continues to comply with the Direction. As set out in the constitution, changes may be:
- agreed at a Full Council meeting;

- notified to the Chief Legal officer (and by her to Full Council) where they relate to decisions by the Leader under his statutory powers as to responsibility for the discharge of executive functions and membership of the Cabinet;
- in limited circumstances, made by the Chief Legal Officer and (unless they are minor) notified to the Council. These notified changes will cease to have effect if the Council doesn't agree them.

This ensures that the Constitution is a living document which accurately reflects current legislation and council policy and priorities.

- 3.3 Although the Constitution has been changed from time to time since it was adopted, it is largely in the same format as when it was originally adopted following the implementation of the Local Government Act 2000. It is often commented that it is too long and unwieldy. With this in mind, the structure of the Constitution has been reviewed to reduce duplications and to propose removal of some information which is not required to be part of the Constitution and could be easily maintained outside it.
- 3.4 The main changes that are proposed are explained below. The Appendix also includes explanatory footnotes for some of the changes proposed.
- 3.5 Part 2 (the Articles) of the Constitution contains material which is either duplicated elsewhere in the Constitution or does not need to be included. It is therefore proposed that the Articles be removed in their entirety and either merged into other Parts of the Constitution or maintained outside it where appropriate. This will reduce the length of the Constitution and also reduce the risk of inconsistency arising between Parts of the Constitution. Sections which have been moved into other Parts of the Constitution are shown in dark blue italics in the Appendix. The following is proposed in respect of the sections not required to be included in the Constitution:
- Information about the Brent Connects Forums to be held on the Brent Connects area of the council's website
  - Information about staff consultative bodies to be held on the HR area of the Intranet
  - Information about the Youth Parliament to be held on the Youth Parliament area of the council's website.
- 3.6 Part 3 (Standing Orders) and Part 6 (Rules and Procedures) both contain rules and procedures and so it is proposed that these Parts be joined into a single Procedural Rules Part for ease of reference. In addition changes are proposed to remove duplication between Standing Orders and the Access to Information Rules and to move some provisions to a more logical position. Changes to the wording of Standing Orders and other Rules and Procedures are tracked in the attached appendix. **This Part is now numbered Part 2.**
- 3.7 Part 4 (Responsibility for Functions) is proposed to in future contain some information moved from Standing Orders which fits logically in that Part and this is shown in the Appendix. In addition, it is proposed that out of date information be removed from Table 3. **This Part is now numbered Part 3.**

3.8 The proposed amendments are shown in the Appendix to the report. Additions to the existing text are underlined and deletions are indicated by crossing through.

#### **4.0 Financial Implications**

4.1 None.

#### **5.0 Legal Implications**

5.1 These are addressed in the body of the report.

#### **6.0 Diversity Implications**

6.1 None.

#### **Background Papers**

None

#### **Contact Officers**

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