

# Appendix

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# SUMMARY

## 1. The Council's Constitution

*The Constitution was first adopted by Full Council on 22 May 2002 and is reviewed and updated from time to time by Full Council. ~~Brent Council has agreed a new Constitution.~~ The purpose of the Constitution is to:*

- *support the active involvement of citizens in the process of local authority decision-making;*
- *help councillors represent their constituents more effectively;*
- *enable decisions to be taken efficiently and effectively;*
- *create a powerful and effective means of holding decision-makers to public account;*
- *ensure that no one will review or scrutinise a decision in which they were directly involved;*
- *ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and*
- *provide a means of improving the delivery of services to the community*

*Where this Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.*

~~which~~ The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. Some of the procedures are required by law, while others are a matter for the Council. The Constitution is divided into ~~86~~ Parts<sup>3</sup>. These contain the ~~Articles of the Constitution, the Council's~~ Standing Orders and other rules, codes, protocols and the Members' Allowance Scheme. In particular, Parts ~~32~~ and ~~43~~ set out the rules governing the conduct of the Council's business and which part of the Council is responsible for various functions.

## 2. The Articles

~~Article 1 of the Constitution commits the Council to providing clear leadership to the community and supporting the active involvement of citizens in the process of local democracy. It also commits the Council to help councillors represent their constituents more effectively, enable decisions to be taken transparently, efficiently and effectively; and to provide a means of improving the delivery of services to the community. Articles 2 — 15 explain the relationship between citizens and the Council; and the rules governing the Council's business. The full list of Articles is:~~

~~The Constitution (Article 1)  
Members of the Council (Article 2)  
Citizens and the Council (Article 3)  
The Full Council (ARTICLE 4)  
The Mayor (Article 5)~~

<sup>3</sup> The reduction in the number of Parts reflects the removal of the Articles and the combining of the old Part 3 (Standing Orders) and the old Part 6 (Other Rules and Procedures).

~~Scrutiny Committees (Article 6)~~  
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~~Decision Making (Article 14)~~  
~~Finance, Contracts and Legal Matters (Article 15)~~

## **23. The Full Council**

The Council is comprised of 63 **members**, *otherwise called* councillors who are elected every four years. *Three councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission for England and approved by the Secretary of State. Only registered voters of the Borough or those living or working in the Borough will be eligible to hold the office of councillor. There are other restrictions on who can hold office as a councillor including having attained the age of 18 at the date of nomination, citizenship and absence of any other disqualification. The term of office of councillors will start on the fourth day after being elected and will finish at the end of the third day after the date of the next regular election*

*All councillors will:*

- *collectively be the ultimate policy-makers;*
- *represent their communities and bring their views into the Council's decision-making process;*
- *be involved in decision-making;*
- *be available to represent the Council on other bodies;*
- *maintain the highest standards of conduct and ethics;*
- *contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;*
- *effectively represent the interests of their ward and of individual constituents; and*
- *respond to constituents' enquiries and representations, fairly and impartially.*

Councillors are democratically accountable to the residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for ensuring training is provided to members and advising councillors on, and overseeing their compliance with, the Code of Conduct.

*The Monitoring Officer maintains a Register of Interests of councillors and co-opted members of the Authority pursuant to section 29 of the Localism Act 2011 which is available at the Council offices and published on the Council website.*

*All Councillors and co-opted members are required to complete a standard form listing their interests. The Register is updated by the Monitoring Officer,*

*or such other officer nominated by him or her, upon notification by councillors and co-opted members of any changes.*

*The Register of Interests is available for inspection by the public at the offices of the Council at all reasonable hours and the electronic version of the Register is available on the Council's website.*

Councillors meet together at meetings of Full Council where they decide the Council's overall policies and set the budget each year. The Council also has an important role in appointing the Leader of the Council and holding to account the Cabinet and others exercising executive functions. Meetings of the Council are normally open to the public.

### **34. The Leader, Cabinet and the exercise of executive functions**

*The Council is operating a Leader and Cabinet form of executive arrangements.* The Leader of the Council is a member of the Council who is elected to the post by the other members at a meeting of the Full Council. The Leader chooses between 2 and 9 other councillors to form the Cabinet. The Cabinet is responsible for putting policies, which Full Council has approved, into effect. The Cabinet is the part of the Council which is responsible for most of the Council's day-to-day decision making not delegated to officers. A list of the Cabinet members, their portfolios and their addresses are given in this Part 1.

*The following parts of this Constitution constitute the executive arrangements of Brent Council:*

- (a) ~~Article 6 (Scrutiny Committees) and such~~ *Such* part of the Standing Orders in Part ~~32~~ as relate to the Scrutiny Committees;
- (b) ~~Article 7 (The Cabinet) and such~~ *Such* part of the Standing Orders in Part ~~32~~ as relate to the Cabinet;
- (c) ~~Article 12 (Such part of the Standing Orders in Part 2 as relate to Joint Arrangements);~~
- (c) ~~Article 14 (Decision-making)~~ and the Access to Information Rules as set out in Part ~~65~~;
- (e) Part ~~43~~ (Responsibility for Functions)

### **45. Role and function of the Mayor**

*The Mayor is elected by other members of the Council at the Annual Meeting and the Deputy Mayor is chosen by the duly elected Mayor to act as his or her deputy. The Deputy Mayor will, generally, act in the absence of the Mayor.*

*The responsibilities of the Mayor include:*

- *to uphold and promote the purposes of the Constitution, and to interpret the application of the Constitution to Council meetings when necessary;*

- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in the Cabinet are able to hold the Cabinet to account;
- to promote public involvement in the Council's activities;
- to attend such civic and ceremonial functions as the Council as he or she determines is appropriate; and
- to present the Community Champion Awards.

~~[Paragraph number 5 is not used]~~

## **56. Principles of decision making**

All decisions of the Council will be made in accordance with the following principles:

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness;
- clarity of aims and desired outcomes; and
- explaining the reasons for a decision and the options considered.

The council, a committee, sub-committee or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations of any person will follow a proper procedure which accords with the requirements of natural justice and the european convention on human rights

## **6. Scrutiny**

Effective, independent and rigorous examination of the proposals and decisions made by the Cabinet are a significant feature of the Council's arrangements and provide a key role for non-executive members. Overview and scrutiny is the mechanism for holding Cabinet publicly to account. ~~This function gives non-cabinet members a significant opportunity to contribute to the proposals of the Cabinet, for example concerning the budget, as well as contributing to development of policy, reviewing the impact of policy decisions on the Borough and reviewing the quality of service performance.~~ The Council has established three Scrutiny Committees, the Community and Wellbeing Scrutiny Committee, the Resources and Public Realm Scrutiny Committee and the Housing Scrutiny Committee, to support the work of the Cabinet and the Council as a whole.

The Scrutiny Committees shall comprise 8 members of the Council who shall not be members of the Cabinet. The Community and Wellbeing Scrutiny Committee shall also comprise of 4 voting education co-opted members and 2

*non-voting education co-opted members appointed in accordance with Standing Order 5450. Members, chairs and vice chairs of the Scrutiny Committees will be appointed by Full Council.*

The Scrutiny Committees hold the Cabinet and others to account by scrutinising their decisions, examining performance and asking questions of decision-makers and service providers. Unless the decision is urgent, if the rules set out in Standing Order 20 have been followed, all Key Decisions and a decision which has been made by the Cabinet or by Cabinet Committees can be called in for scrutiny and will be considered by the relevant Scrutiny Committee.

They may recommend that the decision maker reconsider the decision but cannot block a decision indefinitely or impose their own views.

The Scrutiny Committees are also involved in strategic and cross-cutting issues by supporting the Cabinet in the development and review of policy, overseeing health matters, and reviewing the performance of other partners and the Local Strategic Partnership work programme.

*The Scrutiny Committees will establish an annual work plan which identifies areas suitable for review and scrutiny and will establish commissions and or panels to undertake specific time limited work. The Scrutiny Committees will meet at regular intervals throughout the municipal year and will meet as and when required in relation to any Call in. An annual report on the activities of the Scrutiny Committees will be produced and published.*

## 7. Other Committees

In addition to the committees specifically mentioned above, the Council has established a number of committees and sub-committees to deal with audit, staffing, planning, licensing, health, standards, safeguarding, equalities and pension related functions.

*Some Council Committees include members who are not councillors. These are the Standards Committee, the Community and Wellbeing Scrutiny Committee, the Pension Fund Sub-Committee, the Audit Advisory Committee, the Health and Wellbeing Board, and the Dismissal Advisory Panel.*

- *The Standards Committee ~~and Audit Committee~~ co-opted members are non voting.*
- *~~and~~The Audit Advisory Committee includes 2 voting co-opted (Independent) members.*
- *The membership of the Community and Wellbeing Scrutiny Committee includes four voting and two non-voting education co-opted members. More information regarding the role of the education co-opted members is contained in the Standing Orders and in Part 5 of this Constitution.*
- *The membership of the Pension Fund Sub-Committee currently includes two non-voting co-optees: a College of North West London representative and a Council employee representative.*
- *The Dismissal Advisory Panel comprises three Independent Persons appointed to deal with Member Code of Conduct complaints under the Localism Act 2011.*



- *The Health and Wellbeing Board includes members who are not Councillors who are able to vote.*

The Leader has also appointed a Highways Committee to deal with some (but not all) executive functions relating to highways and parking. The Cabinet has appointed a committee: the Barham Park Trust Committee.

## 8. Membership of committees and sub-committees

The membership and terms of reference of the Council committees and sub-committees and any joint committees are set out in Part 54 of this Constitution. The membership and terms of reference of the Cabinet Committee(s) are set out in Part 4 of this Constitution. The structure of the Council and Cabinet Committees are shown in the Decision Making Structure Chart included in this Part 1.

## 9. Consultative Forums

In order to give local citizens a greater say in Council affairs the Council has established a number of consultative forums.

Five ~~Area Consultative~~Brent Connects Forums have been created. These cover Kingsbury & Kenton, Wembley, Harlesden, Willesden and Kilburn. ~~Four Area Housing Boards have been created. These cover (1) North Wembley and South Wembley, (2) South Kilburn, (3) North Kilburn, and (4) Harlesden, Brentfield and St Raphaels. An Area Housing Board Forum 'Talkback' has been established for freehold and leaseholders.~~<sup>4</sup>

Five Service User Forums have been created. These are Disability and Mental Health, Private Sector Housing, Pensioners, Voluntary Sector Liaison and Equality Forum. The Council has also established a Youth Parliament.

These bodies provide a forum for residents and businesses to discuss and raise concerns about issues in their locality or which are important to the particular group for which the forum or board is designed. They also respond to consultation initiatives by the Council. The consultative forums involve relevant councillors and their meetings are generally held in public. Issues arising from the forums are fed back into the Council's decision making process.

## 10. The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

## 11. Citizens' Rights and Responsibilities

The Council welcomes participation by its citizens in its work. Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau and Community Law Centre can advise on individuals' legal rights. Citizens have the following rights. Their rights to

<sup>4</sup> This section has been updated to reflect current arrangements.



*information and to participate are explained in more detail in the Access to Information Rules in Part 62 of this Constitution:*

- vote at local elections if they are registered *on the electoral roll for the Borough*;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, confidential or exempt information would be disclosed;
- petition to request a referendum on an elected Mayor;
- contribute to reviews conducted by the Scrutiny Committees and/or their task groups;
- find out, from the Forward Plan, what Key Decisions are to be decided by the Cabinet, Cabinet Committees or officers, as well as other decisions to be taken at a meeting of the Cabinet or Cabinet Committees and when;
- attend meetings of the Cabinet or Cabinet Committees, except where exempt or confidential information is being discussed;
- see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council about its service provision;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

\_\_\_\_\_;  
Citizens have the following responsibilities:

*Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers. In the event of such conduct, citizens may be removed from Council premises and/or any meeting of the Authority they are attending*

## **12. Rules of Procedure**

The Council has adopted rules of procedure called Standing Orders which give effect to the general principles set out in the Articles and govern the conduct of Council business. These are set out in Part 32 of this Constitution. The Standing Orders cover the rules of debate and procedure for the conduct of meetings of Full Council and its various committees. There are also provisions relating to the Leader, the Cabinet/Cabinet Committees, the Scrutiny Committees, the Standards Committee, the Audit Advisory Committee and the Audit Committee. There are separate Standing Orders relating to Staff and Contracts.

The Council has also adopted Financial Regulations which govern financial management and control within the Council. These ~~are~~also contained in Part ~~62~~ of this Constitution.

# DEFINITIONS

- .....
- The **Constitution** is a document adopted by Brent Council which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. ~~The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in Standing Orders and in separate rules and protocols, also forming part of the Constitution.~~

- .....
- The **Forward Plan** is a document prepared by the Head of Executive and Member Services which, unless it is impracticable, will *giving not less than 28 days notice of* all the matters likely to be the subject of Key Decisions (irrespective of the decision maker) and other decisions to be taken by the Cabinet or by Cabinet Committees. *More information about the Forward Plan and the rules relating to it are included in the Access to Information Rules*

- .....
- **Housing Land Transfer** means a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or a disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.
  - A **Joint Committee** is a committee comprising of members of two or more local authorities created under section 102(1) of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
  - The term **Key Decision** is defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. A decision will be a Key Decision if it relates to an executive function and is likely:
    - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
    - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

*A decision maker or decision making body may only make a Key Decision in accordance with the requirements of the Access to Information Rules set out in Part [26](#) of this Constitution.*

Further guidance on Key Decisions is included in the Access to Information Rules which form part of this Constitution.

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# PART 32

## 1.1.1 ~~STANDING ORDERS~~

1.1.1

## 1.1.1 Procedural Rules<sup>5</sup>

Standing Orders

Access to Information Rules

Financial Regulations

Scheme of Transfers and Virements

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<sup>5</sup> These now include the procedural rules previously in Part 6 so all such rules are in the same place.

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# **BRENT COUNCIL STANDING ORDERS**

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## **GENERAL**

### **THE CONSTITUTION**

#### **1\*. ~~Constitution to be provided to members~~[Widely Available](#)**

*A copy of the Constitution is available to every member of the Council on the Council's website and a copy shall be made available by the Head of Executive and Member Services upon request. The Head of Executive and Member Services will:*

- (a) ensure that copies of this Constitution are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee; and*
- (c) ensure that the summary of this Constitution is made widely available within the area and is updated as necessary.*

#### **2. ~~Monitor~~[Monitoring](#) and Review of the Constitution**

*The Monitoring Officer and the Audit Advisory Committee will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect and will make recommendations for changes as they consider appropriate. in undertaking this task the Monitoring Officer may:*

- (a) observe meetings of different parts of the councillor and officer structures;*
- (b) undertake an audit trail of a sample of decisions;*
- (c) record and analyse issues raised with him or her by councillors, officers, the public and other relevant stakeholders; and*
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.*

#### **3. Suspension of Standing Orders**

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*These Standing Orders may only be suspended or waived by Full Council and only where permitted by law to be so suspended or waived. Such suspensions or waivers shall apply only to that meeting or item of business as the case may be*

#### **4. ~~3.~~ Variation and Revocation of Standing Orders**

*These Standing Orders may only be varied or revoked at a meeting of Full Council or in accordance with Standing Order 5 Article 1 of Part 2 of the Constitution. This Constitution may be varied at a meeting of Full Council. Any variation or revocation shall come into effect at the close of the meeting of Full Council at which the variation was approved.*

#### **5. Other Changes to the Constitution**

*The Constitution may be varied by the Chief Legal Officer if in her reasonable opinion a variation is a minor variation (which includes legal, factual, administrative and other technical changes) or is required to be made to remove any other inconsistency or ambiguity or is required to be made so as to comply with any statutory provision. Any such variation made by the Chief Legal Officer shall come into effect on the date specified by him or her but (other than in the case of minor variations) such variations shall be referred to Full Council for approval within a reasonable period and shall continue to have effect only if Full Council so agree.*

*Amendments to the Constitution made necessary by the Leader changing executive arrangements or the arrangements for the discharge of executive functions shall be made by the Chief Legal Officer upon the Leader having followed the notification and reporting processes set out in Article 7. ChangePart 3 Paragraph 7.6.*

*Should the council give consideration to changing from a Leader and Cabinet form of Executive to another form of Executive, the Council must take reasonable steps to consult with local electors and other interested persons in the Borough when drawing up proposals to change from a Leader and Cabinet form of Executive to any other form of Executive or to alternative arrangements. A referendum will be held if there is a proposal to move to an elected Mayor form of executive arrangements*

### **THE EXECUTIVE ARRANGEMENTS**

#### **11. ~~Form of Executive Arrangements~~<sup>6</sup>**

*~~The Council will operate a Leader and Cabinet model of Executive arrangements and they are collectively called the Cabinet.~~*

#### **12. ~~Appointment of the Cabinet~~<sup>7</sup>**

*~~The Cabinet shall be appointed in accordance with Article 7 of the Constitution.~~*

#### **13. ~~Vote of No Confidence~~<sup>8</sup>**

<sup>9</sup>

#### **14. ~~Executive Functions~~**

*~~All functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution are the responsibility of the executive.~~*

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<sup>6</sup> Standing Order 11 is now covered by Part 3 Section 1.2.

<sup>7</sup> Standing Order 12 is now covered by Part 3 Paragraph 3.

<sup>8</sup> Standing Order 13 is Now Standing Order 40.

<sup>9</sup> Standing Order 14 is now covered by Part 3 Paragraphs 1.2 and 1.4.

~~The Leader may exercise those functions, or may delegate those functions to the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet, or officers. Where the Leader has arranged for the discharge of executive functions by the Cabinet, the Cabinet may arrange for the discharge of those functions by a committee of the Cabinet, an individual member of the Cabinet or an officer. Both the Leader and Cabinet may also exercise executive functions jointly with other local authorities including (but not limited to) joint committee arrangements.~~

~~— The Leader has agreed to delegate all executive functions to the Cabinet except those which he/she has delegated to the Highways Committee or others as set out in Part 4 of the Constitution.~~

#### **15. — The Forward Plan<sup>10</sup>**

~~The Head of Executive and Member Services shall, in accordance with the Access to Information Rules, publish a Forward Plan which, unless it is impracticable, will contain details of all the matters likely to be the subject of Key Decisions (irrespective of the decision maker) and other decisions to be taken by the Cabinet or by Cabinet Committees.~~

#### **16. — Urgent Decisions not on the Forward Plan<sup>11</sup>**

- (a) ~~If the Cabinet, Cabinet Committees or officers are proposing to take a Key Decision which is not included in the Forward Plan then the decision may only be taken if:-~~
- ~~1.1. the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales;~~
  - ~~1.2. the Head of Executive and Member Services has informed the Chair of the relevant Scrutiny Committee in writing of the matter in respect of which the decision is to be taken;~~
  - ~~1.3. the proper officer has made copies of the notice given to the Chair of the relevant Scrutiny Committee and made these available to the public at the offices of the Council and on the Council's website. Notice will also be given setting out the reasons why compliance with the ordinary requirements of the Forward Plan is impracticable; and~~
  - ~~1.4. at least 5 clear days have elapsed since the notice was given to the Chair of the relevant Scrutiny Committee or, where that is not reasonably possible, the Chair of the relevant Scrutiny Committee has agreed that the taking of the decision is urgent and cannot be reasonably deferred. If the Chair is unable to act, then the agreement of the Mayor or in his /her absence the Deputy Mayor will suffice. A notice setting out the reasons for deciding the decision is urgent and cannot reasonably be deferred shall be made available at the Council's offices and on its website.~~
- (b) ~~The Leader shall report to the next meeting of Full Council any Key Decisions taken under this Standing Order.~~
- (c) ~~If the Cabinet or Cabinet Committees are proposing to take a decision which is not a Key Decision and is not included in the Forward Plan then the decision may only be taken if the Chief Executive agrees that the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales.~~

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<sup>10</sup> Standing Order 15 is now covered by Paragraph 33 of the Access to Information Rules.

<sup>11</sup> Standing Order 16 is now covered by paragraph 40 of the Access to Information Rules.

.....

(a) **18. — Decisions Contrary to the Policy Framework and the Budget:**<sup>12</sup>

(a) ~~Except in accordance with paragraph (c) no person or body shall make any decision which is, according to advice received from the Monitoring Officer or the Chief Finance Officer, contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget.~~

(a) ~~According to statute, any function in respect of which the Leader, the Cabinet, or a Cabinet Committee has purported to make a decision or is minded to make a decision which according to advice received from the Monitoring Officer or the Chief Finance Officer is or would be contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget ceases to be an executive function for the purposes of that decision and so shall be referred to Full Council for consideration in accordance with Standing Order 26, except as provided in paragraph (c).~~

(a) ~~A decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council may only be made other than by Full Council if the decision is required to be made as a matter of urgency and if:-~~

(a) ~~\_\_\_\_\_ (i) it is not practical to convene a quorate meeting of Full Council; and~~

(a) ~~\_\_\_\_\_ (ii) the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency.~~

(a) ~~The reasons why it is not practical to convene a quorate meeting of Full Council and the agreement of the Chair of the relevant Scrutiny Committee shall be noted on the record of the decision. In the absence of the Chair of the relevant Scrutiny Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.~~

(a) ~~\_\_\_\_\_ Following any decision taken pursuant to paragraph (c), the decision taker will provide a full report to the next ordinary meeting of Full Council explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.~~

**19. — Virement, transfers and in-year changes to policy**<sup>13</sup>

(l) ~~Full Council will, subject to paragraph (b) below, specify (in approving the Policy Framework and the Budget or otherwise) the extent to which virements and transfers may be made within the budget and to which in-year changes to the policies agreed as part of the Policy Framework may be made. Any other changes to the Policy Framework and the Budget are reserved to Full Council.~~

(l) ~~No expenditure shall be incurred in excess of the amounts allocated in the approved budget to each budget head other than in accordance with arrangements specified by Full Council under (a) above.~~

(l) ~~The Cabinet may make in-year changes to the policies and strategies agreed as part of the Policy Framework if such change or changes are within the limits set by Full Council pursuant to paragraph (a) above. No other changes may be made unless it, or they, cannot reasonably wait until the next meeting of Full Council and if it is not reasonably practicable to call a meeting of Full Council for that purpose and unless:-~~

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<sup>12</sup> This is now Standing Order 21

<sup>13</sup> This is now Standing Order 19(1)

- (i) ~~such change is necessary to ensure compliance with the law or a ministerial direction; or~~
- (ii) ~~the Council would suffer or would be likely to suffer significant financial detriment if the policy was not changed in the manner proposed; or~~
- (iii) ~~the Council would benefit or would be likely to benefit from significant financial gain if the policy was changed in the manner proposed.~~

~~and such changes shall be reported by the Cabinet to the next ordinary meeting of Full Council.~~

## 6. OVER VIEW AND SCRUTINY

### (a) Call in of Cabinet, Cabinet Committees and Officer Decisions if

- (i) the relevant Scrutiny Committee decides; or
- (ii) five non-cabinet members of the Council (for the avoidance of doubt excluding voting and non-voting co-opted and independent members) submit a valid request

that any Key Decision (irrespective of the decision maker) and other decisions made by the Cabinet or by Cabinet Committees be called in for scrutiny then the relevant Scrutiny Committee shall consider that decision at its next meeting which, unless otherwise determined by the Leader, shall in the case of a decision made by the Cabinet or by Cabinet Committees take place within 15 days of the date on which the call-in is accepted as valid under paragraph (b) below. This period will be extended by the Head of Executive and Member Services as appropriate to take account of any public or religious holidays identified in the Municipal Calendar.

7.

### 7. 22—Members' Rights to Request Scrutiny

*Any member of the Scrutiny Committees may, by giving written notice to the Head of Executive and Member Services, request that any matter which is relevant to the functions of the Scrutiny Committee they are a member of is included in the agenda for, and is discussed at, a meeting of the relevant Scrutiny Committee, such notice to be given at least 21 days prior to the date of the meeting at which the member wishes to raise the said matter.\**

### 8. 23—Councillor Call for Action

*Any member of the council may, by giving written notice to the Head of Executive and Member Services, request that any matter (which is not an excluded matter under the Local Government Act 2000) which relates to the functions of the relevant Scrutiny Committee be included in the agenda for, and be discussed at, a meeting of the relevant Scrutiny Committee.*

*Any member of the council may, by giving written notice to the Head of Executive and Member Services, request that a local crime and disorder matter (as defined by the Police and Justice Act 2006) be included in the agenda for, and be discussed at, a meeting of the Resources and Public Realm Scrutiny Committee.*

*Prior to referring a local government or local crime and disorder matter to the relevant Scrutiny Committee a member should refer to the Council's Councillor Call for Action protocol which provides further information about the Call for Action process.*

## THE POLICY FRAMEWORK AND THE BUDGET

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**1925.—Developing plans, policies and strategies forming the Policy Framework**

- (a) In the case of a plan, policy or strategy forming part of the Policy Framework, the Cabinet shall present a report to the Full Council setting out the various issues in respect of that plan, policy or strategy.
- .....

(m) <sup>14</sup>Full Council will, subject to paragraph (m) below, specify (in approving the Policy Framework and the Budget or otherwise) the extent to which virements and transfers may be made within the budget and to which in-year changes to the policies agreed as part of the Policy Framework may be made. Any other changes to the Policy Framework and the Budget are reserved to Full Council.

(n) No expenditure shall be incurred in excess of the amounts allocated in the approved budget to each budget head other than in accordance with arrangements specified by Full Council under (l) above.

(o) The Cabinet may make in-year changes to the policies and strategies agreed as part of the Policy Framework if such change or changes are within the limits set by Full Council pursuant to paragraph (l) above. No other changes may be made unless it, or they, cannot reasonably wait until the next meeting of Full Council and if it is not reasonably practicable to call a meeting of Full Council for that purpose and unless:-

(ii) such change is necessary to ensure compliance with the law or a ministerial direction;  
or

(ii) the Council would suffer or would be likely to suffer significant financial detriment if the policy was not changed in the manner proposed; or

(iii) the Council would benefit or would be likely to benefit from significant financial gain if the policy was changed in the manner proposed.

and such changes shall be reported by the Cabinet to the next ordinary meeting of Full Council.

**26.—**

**21 Cabinet and Cabinet Committee Decisions Outside the Policy Framework and the Budget**

(b) <sup>15</sup>Except in accordance with paragraph (c) no person or body shall make any decision which is, according to advice received from the Monitoring Officer or the Chief Finance Officer, contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget.

(c) According to statute, any function in respect of which the Leader, the Cabinet, or a Cabinet Committee has purported to make a decision or is minded to make a decision which according to advice received from the Monitoring Officer or the Chief Finance Officer is or would be contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Council's approved Budget ceases to be an executive function for the purposes of that decision and so shall be referred to Full Council for consideration, except as provided in paragraph (c).

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<sup>14</sup> Moved from Standing Order 19

<sup>15</sup> Moved from Standing Order 18

- (d) A decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Full Council may only be made other than by Full Council if the decision is required to be made as a matter of urgency and if:-
- (i) it is not practical to convene a quorate meeting of Full Council; and
  - (ii) the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency.
- (e) The reasons why it is not practical to convene a quorate meeting of Full Council and the agreement of the Chair of the relevant Scrutiny Committee shall be noted on the record of the decision. In the absence of the Chair of the relevant Scrutiny Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.
- (f) Following any decision taken pursuant to paragraph (c), the decision taker will provide a full report to the next ordinary meeting of Full Council explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.
- (g) ~~in accordance with Standing Order 26,~~ Full Council may in respect of any decision which the Cabinet has purported to take or is minded to take which is referred to Full Council for consideration under this Standing Order ~~18(b):-:-~~
- (a) itself take a decision on the matter and/or
  - (b) amend the relevant plan, policy or strategy so as to encompass the decision or proposed decision in which case the matter could be remitted to the Cabinet for a decision if the decision was not in fact taken by Full Council under paragraph (a) above or
  - (c) instruct the Cabinet to reconsider the matter and reach a decision which is in accordance with the existing Policy Framework and the Budget or with any other recommendations Full Council is minded to make (e.g. a special exception).

## MEETINGS OF FULL COUNCIL

### 22 ~~27.~~—Types of Meeting

- (a) Full Council shall hold an **Annual Meeting** *each year, to be held on such day in the month of March, April or May as the Council may determine.*
- (b) The Council may in every year hold, in addition to the Annual Meeting, such other meetings on such days as it may determine which shall be called **Ordinary Meetings**.
- (c)\* *A meeting called by the Mayor (or, in the absence of the Mayor, by the Deputy Mayor) or otherwise called under the provisions of paragraph 3 of Part I of Schedule 12 of the Local Government Act 1972 is referred to as an “Extraordinary Meeting”.*
- (d) ~~If required by law or otherwise a Special Meeting may be held for the principal purpose of transacting a specific item or specific items of business.<sup>16</sup>~~

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<sup>16</sup> This change is proposed to avoid confusion. Although meetings have sometimes been described as “special” meetings, they are legally ordinary or extraordinary meetings. References to special meetings have been removed throughout.



44.—[Paragraph number not used]

**4045.—Vote of No Confidence<sup>17</sup>**

The Leader shall cease to hold office following a vote of no confidence in him/her. A motion in respect of the vote of no confidence shall be debated by Full Council if, at least 10 clear working days before the meeting at which the motion is to be considered, it has been signed in accordance with Standing Orders 5 and 6 by at least 40% of the members of the Council and the motion proposes an alternative Leader. If such a motion is passed the new Leader shall hold office for the remainder of the previous Leader's term of office.

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**COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL**

.....

**52 ~~56.—Special Additional~~ Meetings of Committees or Sub-Committees**

The Chair of a committee or sub-committee, or in the absence of the Chair, the Vice Chair may, if necessary, call a meeting of that committee or sub-committee at any time. A meeting of a committee or sub-committee may also be called upon the requisition of a third of the whole number of the committee or sub-committee (including any voting co-opted members), delivered in writing to the Head of Executive and Member Services provided that the number of members so calling the meeting shall not be less than 3. ~~Meetings called under this Standing Order shall be known as a Special Meeting.~~

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**60 ~~64.—Any Other Urgent Business as an Agenda Item~~**

At all meetings of Council committees and sub-committees that are not ~~special~~ extraordinary meetings, there shall be an item on the agenda entitled 'Any Other Urgent Business'. Any member of the committee or sub-committee as the case may be who wishes a matter to be raised under this Agenda heading shall give written notice to the Head of Executive and Member Services or his or her representative prior to the commencement of the meeting concerned specifying the nature of the business they would like to raise under this Standing Order. The committee or sub-committee shall only consider such business in respect of which notice has been given in accordance with this Standing Order and which the Chair has certified as urgent under S100B of the Local Government Act 1972.

**ACCESS TO INFORMATION RULES<sup>18</sup>**

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<sup>17</sup> Moved from "Executive Arrangements" Standing Order 16.

<sup>18</sup> The remaining sections of this Part 2 of the Constitution have been copied from the old Part 6 – Other Rules and Regulations. Only amendments after the lift and shift are shown.

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#### **40. Urgent Executive Decisions not on the Forward Plan<sup>19</sup>**

- (d) If the Cabinet, Cabinet Committees or officers are proposing to take a Key Decision which is not included in the Forward Plan then the decision may only be taken if:-
- 1.5. the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales;
  - 1.6. the Head of Executive and Member Services has informed the Chair of the relevant Scrutiny Committee in writing of the matter in respect of which the decision is to be taken;
  - 1.7. the proper officer has made copies of the notice given to the Chair of the relevant Scrutiny Committee and made these available to the public at the offices of the Council and on the Council's website. Notice will also be given setting out the reasons why compliance with the ordinary requirements of the Forward Plan is impracticable; and
  - 1.8. at least 5 clear days have elapsed since the notice was given to the Chair of the relevant Scrutiny Committee or, where that is not reasonably possible, the Chair of the relevant Scrutiny Committee has agreed that the taking of the decision is urgent and cannot be reasonably deferred. If the Chair is unable to act, then the agreement of the Mayor or in his /her absence the Deputy Mayor will suffice. A notice setting out the reasons for deciding the decision is urgent and cannot reasonably be deferred shall be made available at the Council's offices and on its website.
- (e) The Leader shall report to the next meeting of Full Council any Key Decisions taken under this Standing Order.
- (f) If the Cabinet or Cabinet Committees are proposing to take a decision which is not a Key Decision and is not included in the Forward Plan then the decision may only be taken if the Chief Executive agrees that the decision is required to be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan in accordance with the Access to Information Rules and timescales.
- .....

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<sup>19</sup> This is transferred from the Executive Arrangements section.

## Changes to PART 4 – RESPONSIBILITY FOR FUNCTIONS

# PART 43

### RESPONSIBILITY FOR FUNCTIONS

.....

- 1.2 This ~~Council~~Authority operates a Leader and Cabinet executive ~~Model~~. The Leader and Councillors appointed to the Cabinet are collectively referred to as the Cabinet. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 give effect to section 9D of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Cabinet, which functions may (but need not) be the responsibility of the Cabinet ('Local Choice Functions') and which functions are to some extent the responsibility of the Cabinet. ~~All other functions not so specified are to be the responsibility of the Cabinet. These Regulations have been amended from time to time and those amendments are reflected in this Constitution. All functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution are the responsibility of the executive and may be exercised by the Leader or delegated by the Leader to the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet, or to an officer. Where the Leader has arranged for the discharge of executive functions by the Cabinet, the Cabinet may arrange for the discharge of those functions by a committee of the Cabinet, an individual member of the Cabinet or an officer. Both the Leader and Cabinet may also exercise executive functions jointly with other local authorities including (but not limited to) joint committee arrangements.~~<sup>20</sup>
- 1.3 This Part of the Constitution and the Tables set out below describe whether the various functions of the Council are 'Council functions' or Cabinet' functions' and whether those functions have been delegated by the Council in the case of Council functions, to a committee, sub-committee, joint committee, officer or other person, or delegated by the Leader ~~in or~~ the ~~case of~~ Cabinet.
- 1.4 ~~The Leader has agreed to delegate all executive functions in accordance with 1. to the Cabinet except those which he/she has delegated to the Highways Committee or others as set out in this Part 3 below of the Constitution.~~

## 2. **The Leader**

- 2.1 *The Leader will be a councillor elected to the position of Leader by Full Council at the first post election annual meeting held after the ordinary elections. If the Council fails to elect a Leader at that Annual Meeting then it shall elect a Leader at a subsequent meeting of the Council.*
- 2.2 *The Leader will hold office as Leader from the day of his election as Leader until the day of the post election Annual Meeting of the Council which is held after the ordinary local*

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<sup>20</sup> Moved from Standing Order 14

elections, which follow his/her election as Leader, unless he/she is removed from, or otherwise vacates the office, in accordance with paragraph 2.47.7 .

2.3 The office of Leader continues to the post election annual meeting of the Council as in paragraph 2.27.4 above, whether or not the Leader is re elected as a Councillor to this authority.

2.4 The office of Leader becomes vacant if:

- (a) he/she resigns from the office; or
- (b) he/she is disqualified from being a councillor by a court under section 34(4) of the Localism Act 2011; or
- (c) he /she ceases to be a councillor (save for the circumstances in paragraph 2.37.5)
- (d) The Leader shall cease to hold office following a vote of no confidence in him/her proposed and voted upon in accordance with Standing Orders.

### **43. Other Cabinet Members**

43.1 The Leader will appoint between two and nine members to the Cabinet and shall notify the Head of Executive and Member Services of those appointments.

3.2 The Mayor and Deputy Mayor cannot be appointed to the Cabinet.

43.3 A Cabinet member shall hold office until

- a) he/she resigns from office
- b) he/she is disqualified from being a councillor by a court under section 34(4) of the Localism Act 2011; or
- c) he/she ceases to be a councillor
- d) he/she is removed from office by the Leader

43.4 Portfolio responsibilities of the Cabinet members are determined by the Leader. These portfolios provide the members of the Cabinet with responsibility for setting the direction and being accountable for the operation of the services or functions comprised within their respective portfolios. The Leader agrees to provide details of the portfolios allocated to the Cabinet members to the Head of Executive and Member Services and those details shall be provided to Full Council.

### **54. The Deputy Leader**

54.1 The Leader shall appoint one of the members of the Cabinet to be Deputy Leader.

4.2 The Deputy Leader shall hold office until the end of the term of office of the Leader unless

- (a) he/she resigns as Deputy Leader, or
- (b) he/she is disqualified from being a councillor by a court under section 34(4) of the Localism Act 2011; or
- (c) he/she ceases to be a councillor of the authority
- (d) the Leader removes the Deputy Leader from office
- (e) until the Annual Meeting following his/her appointment as Deputy Leader

4.3 ~~5.3~~—Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place.

4.4 ~~5.4~~—If, for any reason, the Leader is unable to act or the office of Leader is vacant as in paragraph 2.47.6, the Deputy Leader must act in his/her place.

### **65. Appointments by the Leader**

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**65.1** *The Leader has agreed that appointments to and/or removal of members of the Cabinet and the appointment and or removal of Deputy Leader shall only be effective upon receipt of written notice to that effect by the Head of Executive and Member Services.*

**76. Other Vacancies in the Cabinet**

**76.1** *If the Leader is unable to act, or the office is vacant, and also the Deputy Leader is unable to act, or the office is vacant, all responsibilities of the Cabinet shall be carried out by the Cabinet collectively.*

**76.2** *If at any time a Cabinet member other than the Leader or Deputy Leader ceases to be a member of the Cabinet, the responsibilities of that member shall revert to the Leader until such time as the Leader shall have appointed a replacement, or, where appropriate, re-appointed the member concerned.*

**76.3** *In the event of there being no Leader or Deputy Leader appointed and an insufficient number of members of the Cabinet appointed to achieve a quorum, all executive functions shall in the interim be carried out by the Chief Executive.*

**76.4** *The responsibilities and powers of the Deputy Leader may not be carried out by any other member of the Cabinet in his/her absence, or if the post is vacant.*

**87. Responsibility for the discharge of executive functions**

7.1 The Leader may exercise the executive functions or may delegate those functions to the Cabinet, a committee of the Cabinet or a Joint Committee, another local authority, an individual member of the Cabinet or officers. *The Cabinet may arrange for executive functions delegated to it to be carried out by a committee of the Cabinet, a joint committee, another Local Authority, an individual Cabinet member or an officer.*

7.2 *The Monitoring Officer maintains a list of the committees of the Cabinet, officers or joint arrangements, which are responsible for the exercise of particular executive functions. The allocation of executive functions and delegations by the Leader and Cabinet are set out in Part 4 and elsewhere in this Constitution.*

7.3 The Leader delegates to the Cabinet all executive functions except those which he/she has delegated to the Highways Committee, or officers as set out in this Constitution. *The Cabinet has established a Committee; the Barham Park Trust Committee, to decide matters relating to the Trust. The Cabinet has agreed to delegate such functions to the Barham Park Trust Committee as are set out in the Constitution in Part 4 (Terms of Reference).*

7.4 (a) *The Council may delegate non-executive functions to another local authority or, if the function is an executive function of the other local authority, to the Executive of that local authority.*

(b) *The Leader may establish joint arrangements with one or more local authorities and/or their Executives to carry out any of their functions. The Leader has delegated his/her executive functions in this regard to the Cabinet.*

(c) *The Cabinet may delegate executive functions to the Cabinet of another local authority or if the function is a non-executive function of the other local authority to that local authority.*

(d) *The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council in the case of a delegation to the local authority and to the Cabinet in the case of a delegation to the Cabinet.*

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- 7.5 Any such joint arrangements may involve the appointment of joint committees with the other local authorities and/or their Executives. Where all the functions of a joint committee are executive functions, the Cabinet can only appoint Cabinet members to that joint committee (and those members need not reflect the political composition of the local authority as a whole) unless the joint committee will be exercising executive functions for only part of the area of the authority, and that area is smaller than two-fifths of the total area of the authority or the population of that area is less than two-fifths of the total population of the authority. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area. The Executive may appoint non-executive councillors to a joint committee in other circumstances permitted by legislation.
- .....

## Management structure

### 8.1 General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

### 8.2 ~~13.2~~ Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Head of Paid Service. Managerial leadership of the Council including responsibility for overall corporate management and operational responsibility for all staff. Providing and securing of advice to the Council, and councillors, on strategy and policy. Acting in an executive capacity by making decisions or ensuring a system is in place for other officers to make decisions, as authorised by the Council. Delivering probity, value for money and continuous improvement. Management of corporate planning, policy, performance, scrutiny, Executive and Member Services (including electoral and Mayoral services), returning officer for the election of councillors and electoral registration officer. Responsibility for strategic commissioning, communications, information governance (including data protection and freedom of information), procurement, partnerships, performance improvement, complaints and chief executive office support.
Strategic Director Resources	Human resources, equalities, legal services, finance, audit and investigation, IT/digital services (excluding information governance), nationality service, Registrar of Births, Deaths and Marriages, customer services, revenue and benefits, commercial services, property and facilities management.
Strategic Director Children & Young	Statutory Director of Children's Services, school improvement service, outdoor education, pupil



<i>People</i>	<i>referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people.</i>
<i>Strategic Director Community Wellbeing</i>	<i>Statutory Director of Adult Social Services, community services, direct services and client affairs, adult physical disability, learning disability, mental health services, services to older people, safeguarding adults, emergency duty team, asylum, reablement, adult social care complaints, commissioning and quality, support planning and review, any other function listed in Schedule 1 of the Local Authority Social Services Act 1970 not delegated to the Strategic Director Children and Young People, public health, housing (including housing needs, homelessness, housing strategy, housing management, right to buy management, housing partnerships, private housing services and disabled facilities grants) leisure and cultural services (including arts, libraries, museums and archives).</i>
<i>Strategic Director Regeneration and Environment</i>	<i>Regeneration, urban renewal, economic development, building new education facilities, environmental infrastructure services, capital programme management, regulatory services, statutory land use, planning, development and building control, land charges, street naming and numbering, housing regeneration, affordable housing development, employment and skills (including adult and community education), environmental health, licensing, street trading, trading standards, mortuary, health &amp; safety, contaminated land, pollution control, food safety and pest control. Community safety and public protection, public realm (including carbon project team), transportation, highways, parking, street lighting, waste management and recycling, refuse and street cleansing, parks and open spaces, cemeteries, environment, CCTV monitoring, emergency planning and business continuity.</i>

### **Head of Paid Service, Monitoring Officer and Section 151 Officer and other Statutory Chief Officer posts**

**8.3 13.3** — The Council has made the following designations:

<b>Post</b>	<b>Designation</b>
<i>Chief Executive</i>	<i>Head of Paid Service</i>
<i>Chief Legal Officer</i>	<i>Monitoring Officer</i>

<i>Chief Finance Officer</i>	<i>Section 151 Officer</i>
<i>Strategic Director Children and Young People</i>	<i>Director of Children's Services</i>
<i>Strategic Director Community Wellbeing</i>	<i>Director of Adult Social Services</i>
<i>Director of Public Health</i>	<i>Director of Public Health</i>

## Structure

8.4 ~~13.4~~ The Chief Executive determines and publicises a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

## 9. Powers Delegated to Officers

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29.6 The following officers have delegated to them the following powers in relation to all of the Council's services and areas of responsibility:-

### (a) Chief Finance Officer

To undertake the S151 statutory role:

- **Ensuring lawfulness and financial prudence of decision-making**

*After consulting, as appropriate, with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Full Council, or to the Cabinet in relation to an executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.*

- **Administration of financial affairs**

*The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.*

To be responsible for providing financial advice to Members and officers in their respective roles in order to further effective decision making by the Council, and to be the professional lead for the finance function of the Authority. To operate and advise on an effective system of internal control for the Authority, including the provision of an effective internal audit service and an overall framework for insurance and risk management. To be responsible for advising on the investment strategy for the Council's treasury and pensions assets and to manage these accordingly. Power to incur or prevent any expenditure and to authorise borrowing within any limits approved by Full Council, write off debts, issue instructions on any matter relating to budget preparation, budget monitoring or budget control, power to set and monitor accounting standards, power to specify the format of returns, to require any officer to furnish him or her with any information and to answer any question relevant to the financial management of the authority.

### (b) Chief Legal Officer:

To undertake the statutory role of and exercise the powers of the Monitoring Officer, including standards and probity:

- *After consulting, as appropriate, with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council, or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission has, may or would give rise to unlawfulness or to any maladministration which has been investigated by the Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.*
-

- *Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. The Monitoring Officer will conduct investigations into matters referred to him or her by the Standards Committee (or arrange for such investigations to be conducted) and make reports or recommendations in respect of them to the Standards Committee.*

*To be responsible for advising whether decisions of the Cabinet are in accordance with the Policy Framework and the Budget and to provide advice to all councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issue.*

Power to institute, defend or settle any actual or contemplated legal or formal proceedings on behalf of the Council and to appear by counsel or in person or to authorise an officer to so appear in any proceedings and to verify a document by signing a Statement of Truth under the Civil Procedure Rules on behalf of the Council; power to sign contracts, deeds, orders, notices and all other documents *unless any enactment requires otherwise*, the qualified person for Section 36 Freedom of Information Act 2000 determinations, responsibility to *maintain an up-to-date version of the Constitution and ensure that it is widely available for inspection by councillors, officers and the public..*

*\*The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.*

*\*The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in those officers' opinion sufficient to allow their duties to be performed.*

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**TABLE 3<sup>21</sup>**

### **FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF THE CABINET**

1. The Cabinet is responsible for formulating or preparing the plans listed in the Table below and then submitting them to the Full Council for consideration and adoption or approval. Note that the plans and strategies in this table constitute the Policy Framework.

<b>Plans and Strategies</b>	<b>Reference</b>	<b>Mandatory (M) or Discretionary (D) Plan</b>
<del>Annual Library plan</del>	<del>Section 1(2) of the Public Libraries and Museums Act 1964<sup>22</sup></del>	<del>M</del>
<del>Best Value Performance Plan</del>	<del><sup>23</sup>Section 1 of the Local Government Act 1999</del>	<del>M</del>

<sup>21</sup> It is proposed that out of date information be removed/corrected

<sup>22</sup> Under this section the council must provide such information as the Secretary of State may require. At the time that the constitution was drawn up an Annual Library Plan was required by the secretary of state. This is no longer the case. This requirement may therefore be deleted.

<sup>23</sup> Provisions in the Local Government and Public Involvement in Health Act 2007 removed the requirement for best value authorities to compile and publish an annual Best Value Plan

<del>Children and Young People's Plan</del>	<del><sup>24</sup>Children and Young People's Plan (England) (Regulations) 2005</del>	M
<del>Sustainable Community Strategy Borough Plan</del>	<del><sup>25</sup>Section 4 of the Local Government Act 2000</del>	M D
Crime and Disorder Reduction Strategy	Section 5 and 6 of the Crime and Disorder Act 1998	M
Development Plan Documents	Section 15 of the Planning and Compulsory Purchase Act 2004	M
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998	M
<del>Local Transport Plan (but only if the Council becomes a Passenger Transport Authority)</del>	<del><sup>26</sup>Section 108(3) of the Transport Act 2000</del>	M
A plan or strategy for the control of the authority's borrowing investments or capital expenditure or for determining the authority's minimum revenue provisions	<u>Local Authority (Functions and responsibilities) Regulations s4(1)(b)</u>	M
Licensing Authority Policy Statement	Section 349 of the Gambling Act 2005	M
<del>The strategy and plan which comprise the housing investment programme</del>		D
<del>Local Agenda 21 Strategy</del>		D
<del>Adult Learning Plan</del>		D
<del>Quality Protects Management Action Plan</del>	<sup>27</sup>	D
Corporate <u>Strategy Plan</u>		D
Any other plan or strategy (whether statutory or non		D

<sup>24</sup> The Regulations were revoked in 2010. This requirement can therefore be removed.

<sup>25</sup> Section 4 of the LGA 2000 no longer applies to the council so this statutory reference is deleted. The current Borough Plan was however designated as the council's Sustainable Community Strategy.

<sup>26</sup> This could be removed as it has never applied to Brent Council and there is no likelihood of it applying in the foreseeable future

<sup>27</sup> These last 4 documents are no longer produced so these references could be removed.

statutory) which the authority determines should be approved or adopted by the authority and not the Cabinet.		
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