

Appendix 1

Draft Changes to the Constitution

Standing orders relating to Full Council meetings

(Please note that this is an extract from Part 2 of the Constitution and the numbering of the standing orders is not accurately reflected.)

15. Report from Leader or Members of the Cabinet

- (a) The ~~Leader or other member(s) of the~~ Cabinet shall be allowed to submit a written report in advance of the meeting setting out key or significant issues arising from any matter which is the responsibility of the Cabinet. At the meeting up to 6 minutes will be set aside for the Leader or other member(s) of the Cabinet to present those issues. For up to 9 minutes or, if greater, the remainder of the up to 15 minutes set aside for this item, non Cabinet members can ask questions to the relevant Cabinet member. The report shall to Full Council on any matter which is the responsibility of the Cabinet includ~~ing (if relevant) but not limited to~~ all or any of the following matters:-

(i) **Policy proposals referred to Full Council for approval:**

A proposed plan, policy or strategy forming part of the Policy Framework or the Budget which is being presented by the Cabinet to Full Council for approval, the views (if any) of the relevant Scrutiny Committee and the way in which those views were taken into account by the Cabinet;

(ii) **Approval to depart from Policy Framework or Budget:**

Any decisions which the Cabinet has purported to take or is minded to take which, in the reasonable opinion of the Chief Executive, Monitoring Officer or the Chief Finance Officer are, or would be, contrary to the Policy Framework or contrary to or not wholly in accordance with the budget approved by Full Council and in respect of which decision is sought from Full Council in accordance with Standing Order 21.

(iii) **Urgent decisions outside the Policy Framework and the Budget:**

Any decisions which the Cabinet has taken and which were contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget but which were taken in accordance with the urgency provisions in Standing Order 21 (to include the reasons for urgency);

(iv) **Urgent decisions not included in the Forward Plan:**

Any decisions which were not included in the Forward Plan but were taken by the Cabinet under the urgency provisions in Access to Information Rule 39 and the reasons for such urgency;

(v) **Urgent decisions called in:**

Any decisions which were called in for scrutiny and which were implemented under the urgency provisions in Standing Order 14 prior to consideration of the decision by the relevant Scrutiny Committee and the reasons for urgency;

(vi) **Non-compliance with Access to Information Rules:**

Any decisions which the Cabinet have taken in respect of which the Cabinet should have but did not comply with those parts of the Access to Information Rules relating to such decisions and any decisions which the relevant Scrutiny Committee has required the Cabinet to report to Full Council under the Access to Information Rules because it considers that the Cabinet did not comply with the Access to Information Rules relating to the decision;

(vii) **The response of the Cabinet to comments received:**

The response of the Cabinet to any other comments or recommendations received from, or being presented by, the relevant Scrutiny Committee or Full Council;

(viii) **Any recommendations to Full Council.**

16. Deputations

- (a) Deputations may be made by members of the public. Each deputation shall last not more than 5 minutes and there shall be a maximum of 3 deputations at any one council meeting on different subject matters. There shall be no more than one deputation made by the same person or organisation in a 6 month period and no repetition of the subject.
- (b) Any deputation must directly concern a matter affecting the borough and relate to a Council function. Deputations shall not relate to legal proceedings or be a matter which is or has been the subject of a complaint under the Council's complaints processes. Nor should a deputation be frivolous, vexatious, or defamatory. A deputation may be rejected if it names, or clearly identifies, a member of staff or any other individual. The Chief Executive with advice from the Director of Legal and HR Services shall have discretion to decide whether the deputation is for any other reason inappropriate and cannot proceed.
- (c) Any person wishing to make a deputation shall give written notice to the Director of Legal and HR Services of the title and summary of the content of the deputation not less than 5 days before the date of the meeting.
- (d) If more than three deputations are received a ballot will take place three days before the Council meeting to select the deputations to be presented before the Council.

17. Questions from members of the public

- (a) Subject to para (b) members of the public or those employed by or owning a business based in Brent may ask a member of the Cabinet questions on any matter in relation to which the Council has powers or duties or affects the borough.
- (b) Questions shall be submitted fifteen clear working days in advance to the Head of Member and Executive Services and written copies of questions will be provided at meetings.
- (c) The time set aside for questions shall be 1520 minutes.

- (d) At the Ordinary meeting following the Annual Meeting and at alternate Ordinary meetings for the rest of the municipal year, an additional **1520** minutes shall be set aside for questions from members of the Youth Parliament.
- (e) No member of the public may submit more than one question at a council meeting.
- (f) The Chief Executive or his/her nominee shall have the power to edit or amend written questions to make them concise but without affecting the substance, following consultation with the questioner.
- (g) The Mayor may rule that questions which are on the same or closely related subjects are taken together.
- (h) An answer may take the form of a written answer provided by close of business the previous working day and which will be available at the meeting.
- (i) Questions shall be asked in the order determined by the Mayor.
- (j) A person asking a question under para (a) may ask one oral supplementary question, without notice, of the member who supplied the written answer. The supplementary question must arise directly out of the original question or the reply.
- (k) Replies to supplementary questions shall not exceed 2 minutes.
- (l) Questions not answered at a meeting may, at the request of the questioner, be withdrawn and resubmitted to the next or future meeting of the Council, provided that answer has not already been supplied.
- (m) The Chief Executive, with the benefit of advice from the Director of Legal and HR Services, may reject a question if it:
 - (i) Is not about a matter for which the Council has a responsibility or which affects the area;
 - (ii) Is defamatory, frivolous or offensive;
 - (iii) Is substantially the same as a question asked within the last six months;
 - (iv) Requests the disclosure of information which is confidential or exempt; or
 - (v) Names, or clearly identifies, a member of staff or any other individual.

18. Non Cabinet Members' Debate

- (a) Non Cabinet members will be permitted to propose a motion for debate. The motion will be confirmed by the Chief Executive.
- (b) The debate will be for up to **3024** minutes.
- (c) The Lead Member shall be permitted to speak for up to **twohree** minutes.
- (d) Non Cabinet members are permitted to speak for up to **twohree** minutes.
- (e) The Lead Member will report to the next meeting of Full Council on any action which follows on from the previous non Cabinet members' debate.

19. 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 **49** questions to the Cabinet on any matter which is the responsibility of the Cabinet. Each non-Cabinet member may

only put one matter to the Cabinet in any one question time session. The ~~49~~ questions are to be divided as follows: 1 from ~~each of the two~~ opposition group ~~s, 1 from an opposition member who is not a member of a group~~, and ~~63~~ from the administration group. Such questions must be provided in writing to the Head of Executive and Member Services not less than 10 clear working days before the date of the meeting and the answers published with the meeting summons.

- (b) The party groups shall decide which of their members shall put the questions to the Cabinet.
- (c) Each non Cabinet member shall have up to 1 minute within which to put their supplementary question.
- (d) A member of the Cabinet shall have up to 2 minutes to respond to the supplementary question.
- (e) 30 minutes shall be set aside for this item.
- (f) Following (a) to (d) above, for the remainder of the time available, other non Cabinet members may put one matter each to the relevant Cabinet member. If the Cabinet member is unable to provide a response at the meeting, a written response shall be provided within a period of 10 working days.
- (g) The Chief Executive, with the benefit of advice from the Director of Legal and HR Services, may reject a question if it:
 - (i) is not about a matter for which the Council has a responsibility or which affects the area;
 - (ii) is defamatory, frivolous or offensive;
 - (iii) is substantially the same as a question asked within the last six months;
 - (iv) requests the disclosure of information which is confidential or exempt; or
 - (v) names, or clearly identifies, a member of staff or any other individual.

20. Reports from the Chairs of the Scrutiny Committees

- (a) The Chairs of Scrutiny Committees may ~~submit~~present written reports in advance of the meeting on any matter in respect of which the committee has been consulted or which it has been reviewing or considering and shall be permitted to speak for up to 35 minutes to thereon highlight significant issues for the relevant member of the Cabinet to comment upon. Thereafter, for the remainder of the 20 minutes set aside for this item, non Cabinet members can ask questions of the Chairs.
- (b) In the absence of the Chair, ~~the report shall be presented by~~ the Vice Chair of the Committee may speak or, in the absence of the Vice Chair, ~~by~~ another member of the Committee selected for that purpose by the Chair or, if no person has been selected by the Chair, a person selected for that purpose by the Mayor or other person presiding at the meeting of Full Council.
- (c) The Chair or other person nominated to speak shall where appropriate include in his or her report:-
 - (i) details of the decisions or proposals of the Cabinet, which have been

called in for scrutiny and are being referred to Full Council in accordance with Standing Order 14;

- (ii) details of decisions or proposals of the Cabinet, other than those permitted to be made by the Cabinet under Access to Information Rule 39 (urgency) or 20(n) (in year changes to policy), which the relevant Scrutiny Committee considers are or, if made, would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Council's budget and the recommendations to Full Council thereon;
- (iii) details of the decisions of the Cabinet which the relevant Scrutiny Committee considers were made by the Cabinet other than in accordance with those parts of the Access to Information Rules applicable to such decisions.

21. Report from the Audit and Standards Advisory Committee

- (a) The Vice-Chair of the Audit and Standards Advisory Committee may present reports on any matter reported to the Committee or in respect of which the Committee has reviewed or considered and shall be permitted to speak for up to 35 minutes thereon.
- (b) In the absence of the Vice-Chair, the report may be presented by another member of the Committee selected for that purpose by the Vice-Chair or, if no person has been selected by the Vice-Chair, a person selected for that purpose by the Mayor or other person presiding at the meeting of Full Council.

22. Annual Report on the Borough

The Leader will present an annual report on the work of the Council to an Ordinary Meeting of Full Council. The time allowed for the Leader to speak on this item will be 5 minutes. The total time allowed for other members to debate the Leader's report will be 20 minutes. Each Group Leader will be allowed to speak for up to 2 minutes and then any other member will be allowed to speak for up to 2 minutes until the allotted time is used up.

23. Debate on key issues affecting the Borough

- (a) With agreement of all Group Leaders a speaker shall be invited to attend and speak on an issue pertinent to the London Borough of Brent. The speech shall not exceed 10 minutes.
- (b) The Lead Member will be permitted to speak for 5 minutes on the topic addressed by the speaker within which time they will propose a motion for debate which has been delivered to the Head of Executive and Member Services by close of business the previous day and circulated in advance.
- (c) The debate by members will not exceed 45 minutes. Questions or comments by members shall not exceed 2 minutes.

24. Vote of No Confidence

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.

25. Motions

- (a) Members may put motions to council.
- (b) A maximum of 3 motions will be put to Council at any one meeting (two by the administration group and one by the opposition per party group) which will be debated.
- (c) Each group must give notice in writing of their motion to the Head of Executive and Member Services not less than 5 days before the date of the meeting. This shall include a copy of the Motion they are intending to move at the meeting. A copy of the motion shall be circulated to all members at least 2 days before the date of the meeting.
- (d) Any amendments to the motions can be accepted provided they are set out in writing to the Head of Executive and Member Services by 5.00pm on the previous working day.
- (e) The debate shall commence with the proposer being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Head of Executive and Member Services.
- (f) The proposer of an amendment will then be invited to speak for up to 3 minutes during which time they shall move the Amendment notified to the Head of Executive and Member Services.
- (g) Further speakers shall then be called by the Mayor.
- (h) Up to 3 speakers shall be allowed for each motion (2 from the administration group and 1 from the each opposition group), each limited to 2 minutes.
- (i) The mover of the motion shall then have a right of reply. If one or more amendments have been moved, the mover of each amendment shall also have a right of reply in the order in which the amendments were moved.
- (j) The matter shall be put to the vote at the end of the debate. Where one or more amendments have been moved the voting process in Standing Order 43(a) and (b) shall apply.
- (k) Up to 30 minutes shall be set aside for this item.
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- (l) The Chief Executive, with the benefit of advice from the Director of Legal and HR Services, may reject a Motion if it:
 - (i) is not about a matter for which the Council has a responsibility or which affects the area;
 - (ii) is defamatory, frivolous or offensive;
 - (iii) is substantially the same as a Motion asked within the last six months;
 - (iv) requests the disclosure of information which is confidential or

exempt; or
(v) names, or clearly identifies, a member of staff or any other individual.