



**Full Council**  
19th February 2020

**Report from the Director of Legal  
HR, Audit & Investigations**

## **Changes to the Constitution**

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal, HR, Audit & Investigations. Tel: 020 8937 1578 Email: <a href="mailto:debra.norman@brent.gov.uk">debra.norman@brent.gov.uk</a>

### **1.0 Purpose of the Report**

- 1.1 This report is provided in accordance with Standing Order 5(a) to inform Council of a number of small changes to the Council's Constitution. These are to reflect an increase in EU procurement thresholds and to remove some identified inconsistencies.

### **2.0 Recommendations**

- 2.1 To approve the changes to the Constitution in this report.
- 2.2 To authorise the Director of Legal and HR Services to amend the Constitution accordingly, including making any necessary incidental or consequential changes.
- 2.3 To note that, to the extent that the changes relate to executive functions of the Council, they have been approved by the Leader.

### 3.0 Detail

- 3.1 A general review of the Constitution is undertaken annually to check whether there are any minor, general updating, clarification or consistency changes that need to be made to the Constitution in addition to more substantive changes taken to Council for approval as they arise. This report updates Council on changes following this review made by the Director of Legal, HR, Audit & Investigations using her delegated powers and seeks Council approval of them.

#### Consistency Changes

- 3.2 An inconsistency has been noted in the Constitution in respect of the terms “Department” and “Service Area”. This creates uncertainty as to which officers are able to exercise particular powers. Changes are therefore required to define these terms and to make amendments throughout the body of the Constitution where needed to reflect these definitions and ensure consistency. The definitions are as follows:
- The Council has a number of **Departments**. These are Chief Executive’s, Customer and Digital Services, Children and Young People, Community Wellbeing, and Regeneration and Environment.
  - The Council has a number of **Service Areas** within each of its Departments, which are headed up by Operational Directors.
- 3.3 A change is proposed in Part 4 to clarify that references to the responsibilities of Cabinet includes responsibilities that are allocated to individual members.

#### Changes to reflect legislation

- 3.4 The European Commission has published revised sterling equivalent EU Thresholds that will apply from 1 January 2020 to procurements under the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016. Brent Standing Orders specify the EU Thresholds and therefore, required updating in line with the revised sterling equivalent EU Thresholds.
- 3.5 This updating was undertaken using delegated powers before the new thresholds came into effect in Janaury 2020 to ensure that Standing Orders reflect the legislative position.

#### General

- 3.6 The Constitution currently requires variations to the Constitution under delegated powers, which are to be made to remove inconsistency or ambiguity or to comply with any statutory provision, to be reported to Council. Council is invited to consider the amendment to this provision set out below so small variations to the Constitution, such as those contained in this report, no longer need to be reported to Council for approval.

“The Constitution may be varied by the Director of Legal, HR, Audit & Investigations if in his or 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 Director of Legal, HR, Audit & Investigations Services shall come into effect on the date specified by him or her.”

#### **4.0 Financial Implications**

4.1 None.

#### **5.0 Legal Implications**

5.1 These are contained in the body of the report.

#### **6.0 Equality Implications**

6.1 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.

6.2 No equalities implications arise directly from this report.

#### **7.0 Consultation with Ward Members and Stakeholders**

7.1 The proposals in this report have been considered by the Council’s Constitutional Working Group.

#### **8.0 Human Resources/Property Implications (if appropriate)**

8.1 None.

#### **Background Papers**

None

#### **Report sign off:**

**DEBRA NORMAN**

Director of Legal, HR, Audit & Investigations