

SUMMONS ITEM 2

LONDON BOROUGH OF BRENT

SPECIAL MEETING OF FULL COUNCIL – 17th MAY 2004

REPORT FROM THE BOROUGH SOLICITOR

FOR ACTION

ALL WARDS

Proposed Revisions to Brent's Constitution

1. SUMMARY

This report sets out a number of proposed changes to the Constitution. These represent the work of the Constitutional Monitoring Group over the past year. The report also describes the ongoing monitoring arrangements.

2. RECOMMENDATIONS

Members are asked to:

- (a) note the proposed future monitoring of executive arrangements (paragraph 6.2);
- (b) note the changes already made to the Constitution by Full Council since 19th May 2003 (paragraphs 6.5 to 6.7)
- (c) approve the changes to Standing Orders by the Borough Solicitor under her delegated powers since 19th May 2003 summarised for ease of reference at **Appendix 1** and shown as tracked changes at **Appendix 2**.
- (d) agree the changes to the Constitution shown at **Appendix 3 to Appendix 21**.

3. FINANCIAL IMPLICATIONS

- 3.1 The deletion of the allowance for the Chair of the Public Sector Housing Forum will result in a reduction of £4,340 in the Member's Allowance Scheme.

4. STAFFING IMPLICATIONS

- 4.1 There are no staffing implications arising directly from this report.

5. LEGAL IMPLICATIONS

5.1 Section 37(1) of the Local Government Act 2000 requires the council to operate executive arrangements and to prepare and keep up to date a document known as the 'constitution'. The Act prescribes that the document must include:

- such information as the Secretary of State may direct;
- a copy of the local authority's standing orders;
- a copy of the local authority's code of conduct for members; and
- such other information as the local authority considers appropriate.

5.2 The Local Government Act 2000 (Constitutions) (England) Direction 2000 sets out the key issues which need to be included in a local authority's constitution and these are all addressed in the current and proposed versions of the Constitution.

6. DETAILED CONSIDERATIONS

Background and Proposed Future Monitoring

6.1 At the Special Meeting of Full Council on 23rd May 2003, it was agreed by Full Council that the Constitution Monitoring Group ('CMG') would continue to monitor the operation of the Constitution, albeit 'with a lighter touch'. The CMG has now met 3 times since May 2003. The CMG's membership is made up of one member from each party and officers from Policy & Regeneration and Legal & Democratic Services. The group was established to provide a forum for members from all three political groups to consider changes to the Constitution and recommend these changes to Full Council.

6.2 It is proposed that the CMG will continue to meet to consider the operation of the Constitution in the same way as it has over the past year.

6.3 The proposed revisions to the Constitution as detailed in this report represent the work of CMG together with officers in the Policy & Regeneration Unit and Legal and Democratic Services. This year has not seen major changes to the Constitution but, rather, CMG has sought to monitor the effectiveness of changes made to the Constitution since amendments were agreed on 19th May 2003. The recommended amendments are shown as tracked changes in the appendices attached to this report. Further explanations of these amendments are detailed below. Paragraph numbers and cross referencing in the Constitution will be finalised following the meeting of Full Council (the Borough Solicitor having delegated powers to make such minor variations).

- 6.4 The amendments have been grouped together for ease of reference into three main groups, namely:
- Changes already made by Full Council (which are included in this report for completeness only);
 - Changes made by the Borough Solicitor under delegated powers which are required to be approved by Full Council as soon as reasonably possible (as required in Standing Order 3 of the Constitution);
 - Changes recommended to be agreed by Full Council.

Changes already made by Full Council

- 6.5 The Black and Minority Ethnic Service User Forum was set up and its terms of reference agreed by Full Council on 15th September 2003.
- 6.6 The Members Allowance Scheme, as set out in Part 8 of the Constitution, was amended and agreed by Full Council on 17th November 2003.
- 6.7 The Scheme of Transfers and Virements, as set out in Part 6 of the Constitution, was amended and agreed by Full Council on 1st March 2004.

Changes made by the Borough Solicitor under Delegated Powers

- 6.8 Under the current Standing Order 3, the Borough Solicitor may amend standing orders if she is of the reasonable opinion that such variation is a in minor variation or is required to be made to remove any inconsistency or ambiguity or is required to be made so as to comply with any statutory provision. This variation must, however, be referred to Full Council as soon thereafter as is reasonably possible and shall continue to have effect only if Full Council so agrees. Accordingly, the amendments made by her under delegated powers are summarised in **Appendix 1** for ease of reference and are shown as tracked changes **Appendix 2**.
- 6.9 Members will note that an amendment to this Standing Order is recommended but this is dealt with fully below.

Changes Recommended to be Agreed by Full Council

Part 1 (Definitions)

The Policy Framework

- 6.10 The Policy Framework is a list of plans, policies and strategies which are reserved to Full Council to agree and which the Executive is then charged with implementing. Regulations permit Full Council to decide which plans, policies and strategies should be reserved to Full Council for approval. Full Council is asked to agree that the *Annual Investment*

Strategy and *The Statement of Licensing Policy* be added to the list of policies, plans and strategies that make up the Policy Framework.

- 6.11 In respect of the Annual Investment Strategy, new guidance issued by the Secretary of State under the Local Government Act 2003 recommends that the Council produce an Annual Investment Strategy and that the Strategy be approved by Full Council. Officers would like to follow this guidance and produce an Annual Investment Strategy and submit it to Full Council for approval. Accordingly, the strategy should be included in the list of documents that make up the Policy Framework.
- 6.12 In respect of the Statement of Licensing Policy, the Licensing Act 2003 requires the Council to adopt a Licensing Statement of Policy after a process of consultation with various parties identified in the Act and referred to in the draft Guidance. Officers intend to begin consulting on the Policy once the final Guidance has been issued by the Department of Culture, Media and Sport. In the meantime the draft guidance accompanying the Act recommends that the authority as a whole and not the Executive (i.e. Full Council) should approve the Statement. Although this is not a legal requirement officers consider that it would be prudent to follow the draft guidance and, accordingly, the Statement should be included in the list of documents that make up the Policy Framework.
- 6.13 **Appendix 3** shows amendments to references to the Policy Framework in Part 1 and Part 2.
- The Management Structure*
- 6.14 The current management structure contained in the Constitution includes the names the Chief Executive and the Chief Officers of the Council. It incorrectly refers to Stephen Hughes as the Director of Finance and refers to the Director of Human Resource's post as 'vacant'. Following recent appointments to these posts this is inaccurate.
- 6.15 Full Council is asked to agree that the names of the Chief Officers should be removed from the Management Structure in the Constitution. There would still be an 'in house' management structure included in the telephone directory and elsewhere which will reflect the names of Chief Officers, Assistant Directors, Managers and so forth. Retaining the names on the structure is unnecessary and may be misleading where an officer leaves the Council after adoption of the Constitution for that year.
- 6.16 Officers have considered *The Local Government Act 2000 (Constitutions) (England) Direction 2000* which sets out what should be included in a local authority's constitution. The Direction requires that a management structure for officers of the authority is included in the constitution and officer roles are described. There is no requirement that officers be named. It is therefore recommended that all the names

be removed from the Management Structure for the purposes of the Constitution. This proposed change is shown at **Appendix 4**.

Part 2 (Articles)

Public Sector Housing Forum

6.17 The Public Sector Housing Forum was established under the Constitution as a Service User Consultative Forum, chaired by an elected member, its main function being to provide an opportunity for consultation and discussion with tenants of public sector housing. In practice, “public sector housing” meant council housing in this context. Article 10.25 of the Constitution defines the role of the Forum as follows:

“To raise and/or respond to issues and concerns and to make representations and recommendations to the Executive and relevant council committees (including Overview and Scrutiny) concerning:

- (a) management and improvement of the Council’s housing accommodation and ancillary facilities.*
- (b) charges for facilities provided by the council ancillary to housing accommodation such as tenants’ meeting rooms, car parking, laundries and heating.*
- (c) performance of the council’s repair and maintenance service*
- (d) development of tenants’ associations throughout the borough.*
- (e) any other matters affecting council tenants*

6.18 With the establishment of Brent Housing Partnership, the Arms Length Management Organisation for the council stock, the various relationships between tenants, management organisation and the local authority changed significantly. Along with agreements between the Council and BHP, new consultation and engagement arrangements for tenants were put in place. In addition to tenant representation on the BHP Board, the basic structure for tenant and resident participation includes:

- Six Area Housing Boards
- Tenant Management Organisation Forum
- Leaseholders’ Forum
- Resident Advisory Committee
- New Deal Forum
- Contract Procurement Panels
- Chalkhill Development Forum
- Customer panels
- Focus Groups
- Community Groups

6.19 In the context of these changes, BHP ceased to attend the Public Sector Housing Forum, the principal functions of which have effectively been taken on by the Resident Advisory Committee, and no meetings have been held in the past year.

6.20 Full Council are asked to agree that the Public Sector Housing Forum be removed from the Council's consultation framework and that the necessary amendments be made to the Constitution. As a result of this change, the Member Allowance Scheme will also need to be amended. This is addressed further below.

Private Sector Housing Forum

6.21 At a meeting of the Private Housing Sector Forum's Steering Group held on the 20th August 2003, members of that group discussed the existing terms of reference and felt that these needed to change in order to reflect the current practice and needs of the Forum. The Steering Group drafted a set of terms of reference which they felt better reflected the forum's activities.

6.22 Members of the steering group felt that there was a lack of demand from residents regarding development of forums across the borough together with a lack of money and staff resources. In any event, it was felt that the proposed terms of reference were wide enough to embrace the possible establishment of fora, advice centres and so forth if the need arose. The steering group also felt that the forum should cover a broader remit and the terms of reference therefore include a reference to all stakeholders in the Private Housing Sector.

6.23 The Chair of the Forum (Councillor Long), Colin Moone (Assistant Director of Needs and Private Sector in Housing), Councillor Lincoln Beswick (Community Consultation Executive Member), Councillor Bobby Thomas (Housing Executive Member) have all been consulted on these proposed amendments which are shown as tracked changes in **Appendix 5**.

Wembley Park SRB Board

6.24 Article 11 of the Constitution lists a number of panels and bodies that have links to the Council. Wembley Park Partnership Board was included in this list and is described as a *consultative body in relation to the Single Regeneration Budget programme for Wembley Park*. Its term of reference are to consider and make recommendations on all matters including finance, project appraisals and monitoring, and personnel, in connection with the Wembley Park Partnership Single Regeneration Budget programme.

6.25 However, the Wembley Park SRB ended some time ago and in fact the last meeting of the Wembley Park SRB Board was in November 2003. Consequently, it will be necessary to delete the Wembley Park SRB Board from the Constitution.

6.26 The Wembley Regeneration Partnership Board was established in July 2003 to oversee the entire scheme for the regeneration of Wembley. This Partnership Board is not a Council body as such and is made up of a number of key stakeholders involved in the regeneration of Wembley including WNSL, Hilton, the police, health, etc.

- 6.27 In October 2003 a report was presented to the Partnership Board by the Director of Policy and Regeneration which proposed that from January 2004 stewardship of another SRB programme, 'Destination Wembley' (which is ongoing) would fall to the Wembley Regeneration Partnership Board, or rather to a sub-group of the Board.
- 6.28 It is not necessary to replace the Wembley Park Partnership Board with the Wembley Regeneration Partnership Board because this is not a Council body.
- Publication of the Forward Plan*
- 6.29 The Forward Plan is presently published on a fortnightly basis. The advantage of this is that such frequent publication allows frequent additions to the Forward Plan thereby avoiding the need to rely on the urgency provisions for items that need to be decided by the Executive but which have not been included in the Forward plan. So far in 2003/04 only three items have missed being included in the Forward Plan and have had to be notified to the Chair of Scrutiny Committee under the urgency provisions. The disadvantages, however, are that publishing the Forward Plan every two weeks means that it falls out of line with the programming of meetings of the Executives and Forward Plan Select Committees which are programmed on a monthly rather than weekly basis. It is also labour intensive producing a Forward Plan every two weeks.
- 6.30 Moving to a monthly publication would have the advantages of being able to programme the publication of the Forward Plan in line with monthly meetings of the Forward Plan Select Committee and the Executive. Monthly publication would halve the amount of work involved in producing the Forward Plan. It should be noted that from a recent survey of London Boroughs 21 responded and all but one produce their Forward Plans on a four-weekly/monthly basis.
- 6.31 On balance it is felt that now we have had nearly two years experience of operating a Forward Plan the time is right to move to a more efficient production of the plan on a monthly basis. It is accepted that service areas will have to identify at an earlier stage the business coming forward for the Executive but in turn this will give better public notice and encourage greater forward planning. There will be genuine cases where it could not have been anticipated that a report was required to go to the Executive and that is the reason for the urgency procedure. It is therefore proposed that the first of the monthly Forward Plans be published at the beginning of June 2004 and that publication dates will be included in the Council's calendar of meetings. This will necessitate a slight amendment to the Constitution as shown as a tracked change in **Appendix 6**.

Part 3 (Standing Orders)

Powers delegated to the Borough Solicitor to make changes to the Constitution

6.32 CMG members agreed to recommend to Full Council that Standing Order 3 (which delegates powers to the Borough Solicitor to make variations to standing orders) be amended. Currently, any variation made under delegated powers comes into effect upon the date directed by the Borough Solicitor but needs to be confirmed by a meeting of Full Council (whereupon it will continue to have effect only if Full Council so agree). However, CMG agreed that in relation to minor changes there should be no need to have the changes subsequently agreed by Full Council as this is unnecessary.

6.33 Other variations made under delegated powers which are more than minor variations will still go to Full Council for approval and will be submitted within a reasonable period. The recommended changes are shown tracked at **Appendix 7**.

Appointment of Co-opted Members to the Overview and Scrutiny Committees

6.34 Standing Order 20 deals with the appointment of Co-opted Members to Overview and Scrutiny Committees. The proposed amendments to this standing order do not change the substance of this standing order and are recommended only for the purpose of improving the drafting. The proposed amendments are set out at **Appendix 8**.

Rules of Debate for Meetings for Full Council

6.35 Standing Order 47(h) provides that:

“No speech shall exceed three minutes except where otherwise provided in these Standing Orders or by the consent of Full Council and except for a Chair or the Leader replying to a debate whose speech shall not exceed 5 minutes”.

6.36 It was felt that the standing order should be amended so as to make it clear that this time limit is intended to be inclusive of the time required by the speaker to move a motion or amendment. This is usually specified in procedural motions when relevant, but it would be helpful to make this clear in the Constitution by amending Standing Order 47(h) to read as follows:

“No speech shall exceed three minutes except where otherwise provided in these Standing Orders or by the consent of Full Council and except for a Chair or the Leader replying to a debate whose speech shall not exceed 5 minutes. Any motion or amendment to a motion shall be put within the time allowed for the speeches”

6.37 This change is shown tracked in **Appendix 9**.

Question Time (Standing Order 39)

6.38 Standing Order 39 sets out the procedure non-executive members must follow when submitting questions to the Executive in period between each question time at a meeting of Full Council. It also sets out the procedure that should be followed when raising a supplementary

question (on a question submitted in accordance with the standing order) at a meeting of Full Council.

6.39 Following discussions at CMG it became clear that the drafting of the standing order did not accurately reflect the intention of the standing order and was unclear as to the rights of the leaders of the opposition groups to nominate members to ask selected supplementary questions. The proposed amendments are intended to clarify this issue by making it clear that in the case of the largest opposition group two supplementary questions will be reserved for members of that group and the leader of the group can nominate a member or members to put the selected question(s) to the Executive. Similarly, one supplementary question will be reserved for the second largest opposition group and the leader of the group can nominate a member to put that question to the Executive. In both cases the leader can nominate themselves or another person (and in the case of the largest opposition group one other member as well). The changes are shown as tracked in **Appendix 10**.

Report from the Executive

6.40 The CMG recommended that Standing order 41 be amended in two respects (as shown in **Appendix 11**) namely:

- a) The standing order be amended so that items on which the Executive can report at Full Council are not unduly limited. The CMG looked at the intention of the standing order and felt that the intention was not to restrict the content of the report to such an extent that the Executive cannot report to Full Council on matters which it might reasonably wish to report to the meeting. The CMG looked at similar provisions governing the reports by the Chairs of the Overview and Scrutiny Committees (standing order 42 and 43 respectively) where the Chair is entitled to present a report on *any matter* in respect of which the committees or their sub-committees have been consulted or which the committees or their sub-committees have been reviewing or considering. Provided that the Executive gives notice of its intention to report on an issue relevant to its remit, the CMG considered that it should be permitted to do so.
- b) It is recommended that the standing order be amended so as to expressly provide for a report back from the Executive on progress made in considering any Non-Executive members Items which it has agreed or has been required to consider.

Term of Office for Independent Members

6.41 The CMG agreed to recommend to Full Council that the term of office for Independent Members be extended from one to two years. This would mean amending standing order 54(f) and 55(b) to reflect this change. There is no particular term of office prescribed in the Local Government Act 2000 or subsequent regulations relating to the appointment of Independent Members on Standards Committees. The Standards Board for England guidance states that the period should be

'long enough to enable the members to gain an understanding of the committee, the council and its workings, but not so long that they lose their independence.' It was felt by the CMG that two years would better reflect this intention. This recommended change was noted by the Standards Committee on the 22nd January 2004. The tracked change is shown at **Appendix 12**.

Call In

- 6.42 The CMG heard from the Borough Solicitor on the redrafting of standing order 15 and 21 in order to clarify the call in procedure. Standing order 15 deals with restrictions on the powers of the Executive to make or implement decisions. It provides that a decision which has been called in cannot be implemented until it has been considered by the Forward Plan Select Committee unless, in the reasonable opinion of the Overview Chair, the decision needs to be implemented as a matter of urgency and should not be delayed. The standing order then goes on to describe the procedure to be followed once the call in has been triggered. However, the procedure is also described, in more detail, in Standing Order 21. It is not necessary to repeat the procedure in both standing orders and CMG considered that it would be best placed in Standing Order 21. The proposed changes do not change the substance of the standing order. They are shown as tracked changes in **Appendix 13**.

Part 4 (Responsibility for functions)

Table for Proper Officer Functions

- 6.43 The Council is required to appoint a 'Proper Officer' under various statutory provisions. Specifically, the Council is required to appoint a proper officer for the purposes of discharging functions under the Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988. In practice, responsibility for these functions lies with the Director of Environment who also designates other officers to carry out these functions. However, for some reason, this proper officer function has not been included in Table 5 of the Constitution (which provides a summary of all the proper officer functions) and should therefore be amended to include it specifically.
- 6.44 Table 5 could also to be amended so as to make it clear that Chief Officers already have power delegated to them (at section 14 of the Table found at paragraph 2.5 of Part 4 of the Constitution) to designate proper officers. This amendment is merely a cross referencing. This is shown in **Appendix 14**.

Part 5 (Terms of Reference of Council Committees & Sub- Committees)

Terms of reference for the Planning Committee

- 6.45 The CMG group were asked to consider amendments to the Terms of Reference of the Planning Committee. Paragraph 8 currently states that the committee may *'give the Council's views on any applications for development in neighbouring boroughs where its view is requested.'* This term was lifted from the Council's old Management Scheme when

the responsibility for all planning matters fell to the committee. However, under the new executive arrangements, this function i.e. giving the Council's view on developments outside the borough is properly a function of the Executive. Nevertheless, it was felt that there are occasions when the Planning Committee should be able to comment on such planning applications or other similar matters where requested by officers or the Executive to do so. This suggested amendment is shown as a tracked change in **Appendix 15**. The suggested amendments also make it clear that any comments made on modifications to the UDP and similar should be made to the Executive, being the correct body to consider modifications before submitting them onto Full Council for approval.

Terms of reference for the Quality of Life Scrutiny Panel and Lifelong Learning Scrutiny Panel

6.46 The current terms of reference of the Quality of Life Scrutiny Panel covers far more Council activities than the Social Care or Lifelong Learning Scrutiny Panels. CMG heard from officers how it has been recognised by the Scrutiny Management Board and officers that some aspects within the Quality of Life Scrutiny Panel's remit may not get sufficient attention because they cannot be accommodated within its work programme.

6.47 It was suggested to CMG that they consider recommending a change to the terms of reference of the panels such that the following areas would transfer from the Quality of Life Scrutiny Panel to the Lifelong Learning Scrutiny Panel:

- library service,
- arts & culture

6.48 It should however be recognised that the rationale for placing these functions with the Quality of Life Scrutiny Panel in the first place was to confine the role of the education co-opted members that serve on the Lifelong Learning Scrutiny Panel to matters relating solely to education. With the addition of libraries, arts and culture to the Lifelong Learning Scrutiny Panel's remit this would permit the co-opted members to contribute to discussion on these matters although they would still be restricted to only being able to vote on education matters. It would also mean that scrutiny of these areas would be considered by a bigger panel (there are 19 members of the Life Long Learning Scrutiny Panel whereas there are only 7 members on the Quality of Life Scrutiny Panel. This change is shown tracked at **Appendix 16**.

The ALG Joint Committees

6.49 Part 5 of the Constitution sets out the terms of reference for not only Council Committees and Sub-Committees but also the Joint Committees to which the Council is a member. The Joint Committees currently included in the Constitution are the Association of London Government Committee (known as the Leaders' Committee), the London Housing Unit Committee and the Association of London Government Transport and Environment Committee.

- 6.50 The terms of reference currently in the Constitution need to be amended so as to more accurately reflect the wording of the terms of reference set out in full in the actual ALG Agreements which established the Joint Committees. The amended terms of reference also include the Grants Committee which is not included in the current version of the Constitution. This is a Joint Committee established under the ALG Agreement dated 1 April 2000 to take decisions in relation to the ALG Grants Scheme which was established under section 48 of the Local Government Act 1985. The new terms of reference are attached at **Appendix 17**.

Part 6 (Other Rules and Regulations)

Retaining Contract and Tender Documentation

- 6.51 Paragraph 9 of the Financial Regulations requires officers to retain certain accounting and contractual documents for prescribed periods of time. This is for both legal and audit purposes. As currently drafted paragraph 9.3 requires officers to retain, inter alia:
- All contracts for works, goods and services including tender documents (six years after completion of the contract).
 - Documents relating to unsuccessful tenders for six years from the date of tender.

- 6.52 There is an anomaly in that, as currently drafted, the standing order requires officers to retain all documents relating to unsuccessful tenders but only the contract itself for successful tenders. The recommended amendment seeks remove this discrepancy by specifying that documents relating to the successful tender must also be retained for the same period. Consultation on this proposed amendment has been undertaken with the Director of Finance, Head of Procurement and Risk Management and the Audit and Investigation Unit and was considered by the CMG. The change is shown tracked at **Appendix 18**.

Part 7 (Codes and Protocols)

Code of Corporate Governance

- 6.53 Some time ago the Chartered Institute of Public Finance and Accountancy (CIPFA), the Society of the Local Authority of Chief Executives (SOLACE) and the Local Government Association (LGA) approved a framework for Corporate Governance which was recommended to local authorities. The importance of this framework was also emphasised by the Minister of Local Government and our own external auditors and it has become clear that it will be used as one of the yardsticks in the Comprehensive Performance Assessment. Subsequently, a local Code of Corporate Governance reflecting the principles contained in the CIPFA framework was developed and approved by the Executive. However, given the importance placed on this document, officers feel that the Code should in fact be included in

the Constitution. If agreed, the code will feature in Part 7 of the Constitution. It is shown in **Appendix 19**.

Planning Code of Practice

6.54 At the Standards Committee meeting in October 2003, a report was presented on the Review of the Planning Code of Practice. The Chair of that committee (an independent member) commented that references to 'member' or 'members' throughout the code were not adequately explained i.e. whether 'member' meant a member of the Planning Committee, member of the Council or member of the public. As a result, any reference to 'member' or 'members' throughout the code should be clarified.

6.55 In addition, paragraph 10 of the Planning Code of Practice has been amended to make it clear that if two members want to call a matter in to Planning Committee they should provide the reasons for their request at the time it is made and should also state at that time whether they have been approached by anyone concerning the matter. The previous version of this paragraph implied that two members could make the request that the Planning Committee decide a matter and provide reasons and other details later. This was not the intention behind it and members should always, when requesting the Planning Committee to call in applications for consideration by the Committee, provide the Planning Department and the Committee with all details at the time the request is made. This proposed change is shown tracked at **Appendix 20**.

Members Allowances Scheme

6.56 In the event that the recommended change is made to delete the Public Sector Housing Forum from the Constitution then a consequential change will also need to delete the Special responsibility Allowance for the Chair of that forum as it will no longer exist. This proposed change is shown as tracked at **Appendix 21**.

7. BACKGROUND INFORMATION

7.1 The following documents were used in the preparation of this report:

- Papers from the Constitutional Monitoring Group
- The Brent Constitution 2003/04
- Standards Board Guidance on Standards Committees

7.2 The contact officer for this report is Helen Keep, Legal Services Town Hall Annexe, Wembley. Tel: 020 8937 1368.

Appendix 1

Summary of Amendments made under Delegated Powers (Standing Order 3)

	Reference	Detail	Reason for variation
1.	SO 14 (e)	Key decisions taken by the Executive are required to be taken following the consideration of a written report. The deletion of the words ' <i>from officers</i> ' after ' <i>written report</i> ' recognises that some reports may not in fact be written by officers.	Minor variation
2.	SO 15(a) & (b)	Standing order has been corrected to reflect that not only Executive decisions but also key decisions made by officers are subject to the call in procedure.	Required to remove any inconsistency
3.	SO 20(g)	Standing order 20(g) has been amended to reflect that co-opted members sit on committees as well as sub-committees.	Required to remove any ambiguity
4.	SO 21 (c) & SO (d)	Standing order 21 has been amended to clarify that call in relates not only to Executive decisions but also key decisions made by officers. The amendment also clarifies that it will be the Lifelong Scrutiny Panel and not the Forward Plan Select Committee who will consider the call in if the call in relates to an education matter.	Required to remove any inconsistency
5.	SO 22 (a)	The standing order has been amended to clarify that the Life Long Learning Scrutiny Panel will consider a decision called in where it relates to an education matter.	Required to remove any ambiguity
6.	SO 22(b)	The amendment to the standing order amends an incorrect reference to Life Long Learning Scrutiny Panel as a 'decision maker' in matters related to call in. The role of the Life Long Learning Scrutiny Panel is amongst other things to consider a call in of a key decision made by either the Executive or an officer but not to actually decide the matter itself.	Required to remove any inconsistency
7.	SO 25 (i)	Correct cross referencing in standing order as a result of changes to other standing orders.	Minor variation
8.	SO 26 (e)	Grammar: Inserting capital for 'Manager' in reference to the 'Democratic Services Manager'.	Minor variation
9.	SO 38(m)	The cross reference at this standing order is changed from referring to standing orders in general to a specific reference to standing order 46. The change is therefore literally <i>from 'in accordance with the standing orders' to 'in accordance with standing order 46'</i> .	Minor variation
10.	SO 41(a) (viii)	The standing order has been amended to correct the reference of 'Life Long Learning Panel' to 'Life Long Learning <u>Scrutiny</u> Panel'	Minor variation
11.	SO 43 (a) (iv)	Grammar: Correct use of tense from 'consider' to 'considers'	Minor variation

12.	SO 44 (iii)	The standing order on 'General Debate on Reports from the Executive, Overview and Scrutiny' has been amended to correctly reflect that not only policies, but also 'plans' and 'strategies' can be subject to alternative proposals.	Required to remove any inconsistency
13.	SO 45 (a)	Grammar: Inserting capitals for 'Policy Framework'	Minor variation
14.	SO 46 (g)	This standing order has been amended to reflect the correct time allowed for debate on a motion selected by the leader of the second largest opposition group. Fifteen minutes is allowed for the debate and vote on the motion which means that a vote on the motion will be put two minutes before the end of ten minutes.	Required to remove any ambiguity
15.	SO 47(l)	The change at standing order 47(l) simply clarifies that not only members but also all those present at a Full Council meeting shall be silent whenever the Mayor rises during a debate.	Minor variation
16.	SO 47(m)	The standing order has been amended to make it clear that it is the proposer of a motion who can 'alter or withdraw' the motion with the consent of Full Council. This removes any potential conflict with the requirement of standing order 48(a) which requires a vote on any amendment to motions.	Required to remove any ambiguity
17.	SO 48(b) & (c) & (e)	This standing order has not been amended but the numbering has been corrected so that standing order 48 does not read a, b, b but a, b, <u>c</u> . Correct cross referencing in standing order 48(e) as a result of changes to other standing orders.	Minor variation
18.	SO 55 (c)	Grammar: Deletion of the word 'the' before the words 'Full Council'.	Minor variation
19.	SO 61 (b)	Correct cross referencing in standing order as a result of changes to other standing orders.	Minor variation
20.	SO 62(a)	The standing order incorrectly refers to the Planning Committee as the 'sub-committee' instead of the 'committee'. The Planning Committee does not have a sub-committee and it is probably as a result of arrangements prior to the Local Government Act 2000 that this incorrect reference appears in the current version.	Minor variation
21.	SO 70 (a) & SO 70 (a) (i)	The standing order has been clarified to reflect that not only committees, but also sub-committees may receive deputations under this rule.	Required to remove any inconsistency
22.	SO 74 (a) & (b)	Correct cross referencing in standing order as a result of changes to other standing orders.	Minor variation
23.	SO 77, 77(a) & 77(c)	Correct cross referencing in standing order as a result of changes to other standing orders.	Minor variation
24.	SO 78 (o)	Correct cross referencing in standing order as a result of changes to other standing orders.	Minor variation
25.	SO 80 (a)	Correct cross referencing in standing order as a result of changes to other standing orders.	Minor variation
26.	SO 85(c)and SO 93	The Contract Management Guidelines have been revised in the last 12 months. The working group	Minor variation

		considered that the Guidelines do not only deal with managing contracts but also deal with procurement. It was felt that the revised title <i>Contract Procurement and Management Guidelines</i> would better reflect the content of the guidelines. The title has now been amended in the Constitution.	
27.	SO 87 (c) (i)	The standing order has been amended to correctly reflect that, in some cases, approval for a High Value Contract must be sought from the General Purposes Committee and not the Executive i.e. where responsibility for that function falls under the General Purposes Committee.	Required to remove any inconsistency
28.	SO 89 (b)	Correct cross referencing in standing order as a result of changes to other standing orders.	Minor variation
29.	SO 91	Grammar: Correct use of tense from 'were' to 'was'.	Minor variation
30.	SO 99	In standing order 99 reference is made to the possibility of submitting electronic tenders. Standing order 99 provides that the invitation to tender will include details of whether tenderers can submit all or any of their tender submission electronically despite the requirement in standing order 100(b) that a hard copy of the tender be submitted. Standing order 99 has been amended to make clear that tenderers may submit their tender submissions electronically where expressly permitted, subject to them also submitting a hard copy in accordance with standing order 100(b).	Required to remove any inconsistency

BRENT COUNCIL STANDING ORDERS

All or part of those Standing Orders written in italics and marked with an asterisk cannot be suspended, or waived or may only be suspended or waived in limited ways. The intention is to give members guidance as to when to seek legal advice before moving suspension or waiver. This only applies to meetings of Full Council, as neither committees nor sub-committees or the Executive are permitted to suspend or waive Standing Orders.

GENERAL

1*. Constitution to be given to members

A printed copy of the Constitution shall be given to each member of the Council by the Democratic Services Manager upon delivery of the member's declaration of acceptance of office.

2. Suspension of Standing Orders

These Standing Orders may only be suspended or waived by Full Council and only where permitted by law to be so suspended or waived.

3. Variation And Revocation Of Standing Orders

These Standing Orders may only be varied or revoked at a meeting of Full Council unless in the reasonable opinion of the Borough Solicitor a variation is a minor variation or is required to be made to remove any inconsistency or ambiguity or is required to be made so as to comply with any statutory provision in which case such variation may be made by the Borough Solicitor. Any such variation made by the Borough Solicitor shall come into effect on the date specified by him or her but shall be referred to Full Council as soon thereafter as is reasonably possible and shall continue to have effect only if Full Council so agree. Any other variation or revocation shall come into effect at the close of the meeting of Full Council at which the variation or revocation is adopted or approved.

4. Mayor's Rulings Under Standing Orders

- (a) The Mayor shall decide on the construction, interpretation or application of these Standing Orders in relation to the proceedings at a meeting of Full Council.
- (b) The decision of the Mayor under this Standing Order or under any other power contained in these Standing Orders when notified to the Council shall take effect forthwith unless two members of the Council indicate dissent by rising in their places in which case the Mayor's decision shall be

treated as a proposal to be effective only if confirmed by the Council on a vote and the Mayor's proposal shall be put to the vote at once without any discussion.

5. Notice to be given

Any notice or request required to be given under these Standing Orders is required to be given in writing and be received by the person or body specified by 12 noon on the day in question unless otherwise specified.

6. Form of Notice

- (a) Subject to paragraph (b) below, any notice or request or motion required to be signed by at least 40% of any group of members shall be submitted to the Democratic Services Manager and shall be signed by the required number of such members at the offices of the Democratic Services Manager. The Democratic Services Manager shall have delegated authority to take such action as is necessary to respond to any such notice, request or motion signed by the requisite number of members.
- (b) Any request under Standing Order 21 shall be made in writing and submitted in person, by letter, by email or by facsimile and:
 - (i) In the case of a request submitted in person, by letter or by facsimile shall be signed and the signature(s) shall be the original signature of the member(s).
 - (ii) In the case of a request submitted by facsimile, it shall be sufficient if the signature is not photocopied or a stamp signature.
 - (iii) In the case of a request submitted by email, the email shall be from a member's individual address and not from that member's group office.
 - (iv) Shall include the reason(s) for the request being made. For the avoidance of doubt, there is no requirement that the same reason be given in respect of each request when calculating whether the threshold specified in Standing Order 21 has been reached.

7. Interpretation

- (a) References to the Mayor shall include the Deputy Mayor when acting in his or her absence (or in relation to Chairing a meeting of Full Council any other member selected at a meeting of Full Council to chair it if not the Deputy Mayor).
- (b) References to the Leader shall include the Deputy Leader when acting in his or her absence and shall include any other member of the Executive who in the absence of the Leader and the Deputy Leader is nominated by the Leader to act or if no such nomination is made the person nominated by the Deputy Leader to so act.

- (c) In these Standing Orders unless specifically provided otherwise the expression "Chief Officers" shall refer to the Chief Executive, Service Area Directors, and Corporate Directors.
- (d) References to days shall unless otherwise specified be to clear working days. Clear working days means excluding the day on which the notice is given and the day of the meeting or other event or action to which it relates.
- (e) Other words and phrases shall unless the contrary intention is clear have the meaning given in the definitions section of the Constitution.
- (f) Except as provided in Standing Order 4 the Borough Solicitor shall advise on the construction, interpretation or application of any part of the Constitution.

8. Access to Information

The Access to Information Rules which apply to meetings and documents are set out in the separate Access to Information Rules forming part of the Constitution.

9*. *Motions relating to confidential or exempt information*

If any matter arises at a meeting of Full Council or the Executive (or a committee or sub-committee thereof) and in respect of which any confidential or exempt information may be disclosed or discussed then in the case of confidential information that matter shall not be the subject of further discussion; and in the case of exempt information that matter shall not be the subject of further discussion until Full Council or the Executive or the committee or sub-committee as the case may be has decided whether or not the power of exclusion of the public as set out in the Access to Information Rules shall be exercised.

10*. *Motions Involving Expenditure*

No decision of the Council which involves the expenditure of money for which there is no budgetary provision shall be implemented in any way until such budgetary provision has been made.

THE EXECUTIVE ARRANGEMENTS

11. Form of Executive Arrangements

The Council will operate a Leader and Cabinet model of Executive arrangements.

12. Appointment of the Executive and Executive Functions

- (a) The Executive shall be appointed by Full Council at the Annual Meeting or the first meeting of Full Council after the Annual Meeting and subsequently as and when a vacancy arises and shall comprise the Leader of the Executive *and nine other members** who may not be the Mayor or Deputy Mayor.
- (b) The Leader shall determine which portfolios will be held by the members of the Executive and may change those portfolios at any time.
- (c) An Executive member may resign from the Executive at any time.
- (d) The Leader may suspend any member of the Executive but such suspension may not last longer than six weeks except with the approval of the Full Council or until the next meeting of Full Council if longer than six weeks.
- (e) Subject to (c) and (d) above and to Standing Order 18 (*Vote of No Confidence*) members of the Executive shall remain members of the Executive until a new Executive is appointed under paragraph (a) above unless they are re-appointed to the Executive at that meeting.
- (f) The Executive shall carry out the functions specified in these Standing Orders and in Part 4 of the Constitution and subject to the limitations and exceptions specified therein.
- (g) The Leader may delegate powers to the Executive members but should not do so until appropriate rules (as determined by the Borough Solicitor) have been established for the exercise of those powers by individual members.
- (h) The Leader may delegate powers to committees of the Executive and officers and has delegated powers to the Highways Committee of the Executive and to officers, as described in Part 4 of the Constitution.

13. The Forward Plan

The Democratic Services Manager shall on behalf of the Leader, and in accordance with the Access To Information Rules, publish a Forward Plan of the matters in respect of which Key Decisions will be made by the Executive (including officers exercising executive functions), all other matters which are likely to be the subject of decision by the Executive and any other matter which the Leader considers should be included in the Forward Plan.

14. Meetings and Decisions of the Executive

- (a) The Executive will meet to take decisions on matters which relate to Executive functions unless there is no business to consider and that meeting will be open to the press and public except to the extent that the press and public are excluded during the consideration of any confidential or exempt information, as set out in the Access to Information Rules.
- (b) Members of the Council who are not members of the Executive and members of the public may only attend and speak at private meetings of the Executive if invited to do so by the Leader or if the Executive at the relevant meeting so decides and only then for the period so permitted.
- (c) The Quorum for meetings of the Executive and its committee(s) shall be 3.
- (d) The rules for debate at the meetings of the Executive shall be determined by the Executive.
- (e)* *Any decision taken by the Executive shall be taken following the consideration of a written report and after having taken into account all legal, financial and other relevant implications, the responses to any consultation and the comments received from the Overview Committee, the Scrutiny Committee and any previous meeting of Full Council where the matter the subject of the decision was considered.*
- (f)* *Any decision of the Executive shall be taken in accordance with all current legislation, these Standing Orders and the other applicable rules contained in the Constitution.*
- (g) Minutes of the meeting shall be taken by an officer, such minutes to reflect the requirements contained in the Access to Information Rules for a record of Key Decisions (and certain other decisions) to be maintained.
- (h) Minutes of each Executive meeting shall be put before the next ordinary meeting of the Executive for approval as a correct record and as soon as they are so approved the Leader shall sign them.
- (i) The decisions of the Executive shall be published in a List of Executive Decisions and the list shall, in accordance with the Access to Information Rules, be sent to every member of the Council within 48 hours of the meeting at which the decisions were made.

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15. Restrictions on the power of the Executive to make or implement decisions

(a)* **Decisions Called In:**

If a decision in respect of an Executive Function which has been called in has not been implemented prior to the date that the decision maker receives notification of the call in from the Democratic Services Manager then that decision shall not be implemented until the Forward Plan Select Committee or in the case of call-ins relating to education matters the Life Long Learning Scrutiny Panel has met to consider the decision in accordance with Standing Order 21 (call in) PROVIDED that the meeting

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takes place within 15 days of the date on which the decision was made (or in the case of an officer decision the date on which the record of the decision was made publicly available) or such longer period determined by the Leader or Democratic Services Manager in accordance with Standing Order 21(a) unless the decision, in the reasonable opinion of the Chair of the Overview Committee, needs to be implemented as a matter of urgency and should not be delayed. The Executive shall report to the next ordinary meeting of Full Council details of any such decisions so implemented and the reasons why the decision needed to be implemented as a matter of urgency.

(b)* **Decisions Contrary to the Policy Framework and the Budget:**

Except in accordance with Standing Order 16 (urgent decisions) 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. Any decision which the Executive has purported to take or is minded to take which according to advice received from the Monitoring Officer or the Director of Finance 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 shall be referred to Full Council for consideration in accordance with Standing Order 27.

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(c)* **Access to Information:**

The Executive shall comply with the Access to Information Rules.

16. Urgent decisions Outside the Policy Framework and the Budget

- (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:-
- (i) it is not practical to convene a quorate meeting of Full Council; and
 - (ii) the Chair of the Overview Committee agrees that the decision is a matter of urgency.
- (b) The reasons why it is not practical to convene a quorate meeting of Full Council and the agreement of the Chair of the Overview Committee shall be noted on the record of the decision. In the absence of the Chair of the Overview Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.
- (c) Following the decision, 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.

17. Virement, transfers and in-year changes to policy

- (a) 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.

- (b) 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.
- (c) The Executive 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 special meeting of Full Council for that purpose and unless:-
 - (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 Executive to the next ordinary meeting of Full Council.

18. Vote of No Confidence in the Executive

The Leader and/or any or all of the Executive Members may be removed from the Executive following a vote of no confidence in them. A motion in respect of the vote of no confidence shall be debated by Full Council if at least 10 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 non Executive members of the Council and proposes an alternative Leader and/or Executive Member(s).

19. The Overview Committee and the Scrutiny Committee

- (a) Full Council has appointed an Overview Committee and a Scrutiny Committee each comprising 17 members of the Council who shall not be members of the Executive; 4 voting co-opted members and 2 non-voting co-opted members appointed in accordance with Standing Order 20 below.
- (b) The Overview Committee and the Scrutiny Committee shall carry out the functions specified in Part 5 of, and elsewhere in, the Constitution but subject to the limitations and exceptions specified therein and may not discharge any other functions.

- (c) The Chairs of the Overview Committee and the Scrutiny Committee who shall each be a member of the Council shall be appointed by the members of those committees at the first meeting of those committees to take place after the Annual Meeting (or the special meeting following the Annual Meeting held under Standing Order 36) and again at any subsequent meeting if the Chair resigns or otherwise ceases to act as Chair.
- (d) The Chair of the Scrutiny Committee shall not be a member of the majority group unless:
 - (i) there is no nomination by members of the Scrutiny Committee for an opposition member of the Scrutiny Committee to be Chair in which case the Scrutiny Committee may appoint a member of the majority group to be Chair; or
 - (ii) the Scrutiny Committee cannot agree on the appointment of the opposition member(s) nominated to be Chair in which case the matter shall be referred to Full Council for decision.
- (e) The Overview Committee and the Scrutiny Committee shall, if they so wish, appoint a Vice Chair to stand in the place of the Chair in his or her absence. The Vice Chair, who shall be a member of the Council, shall be appointed by the members of those committees at the first meeting of those committees to take place after the Annual Meeting (or the special meeting following the Annual Meeting held under Standing Order 36) and again at any subsequent meeting if the Vice Chair resigns or otherwise ceases to act as Vice Chair.
- (f) The Chairs of the Overview Committee and the Scrutiny Committee shall seek to ensure that the Standing Orders and any other rule or protocols forming part of the Constitution are adhered to.
- (g) The Council has established various sub-committees of the Overview Committee and the Scrutiny Committee the terms of reference and membership of which are described in Part 5 of the Constitution
- (h) The Overview Committee and the Scrutiny Committee shall appoint to any sub-committees but the members of any such sub-committees may not be members of the Executive.
- (i)* *Any member of the Overview Committee and the Scrutiny Committee and any member of any sub-committees thereof may, by giving written notice to the Democratic Services Manager, request that any matter which is relevant to the functions of the committee or sub-committee as the case may be is included in the agenda for, and is discussed at, a meeting of the committee or sub-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.*
- (j) If the Overview Committee or the Scrutiny Committee or their sub-committees so agree or if at least 40% of the members of the relevant committee or sub-committee so request by giving notice to the Democratic

Services Manager then any member of the Executive or any officer of the Authority (not normally below the level of director or service unit manager) shall, upon receiving reasonable notice so to do, (which will not normally be less than 2 weeks notice) attend a meeting of the relevant committee or sub-committee to answer appropriate questions from the members of that committee or sub-committee on any matter falling within its remit including any matter called in under Standing Order 21.

- (k) The Overview Committee and the Scrutiny Committee or their sub-committees may decide to request the attendance of any other person, not covered by paragraph (j) above, at a meeting of the committee or sub-committee.
- (l) The Chair of the Overview Committee and the Chair of the Scrutiny Committee shall as soon as possible after the Annual Meeting submit to Full Council for approval the respective work programmes agreed by those committees for the forthcoming year together with an annual report on the work of the committee and sub-committees over the last year.
- (m) If the Overview Committee or the Scrutiny Committee or one of their sub-committees is intending to receive a report back from a task group the Committee or sub-committee as the case may be will allow an Executive member to address it at the meeting that receives the report and the time allowed will be determined by the Chair acting reasonably.

20. Appointment of Co-Opted Members To Overview and Scrutiny Committees

- (a) Full Council or in the case of their sub-committees the Overview Committee and the Scrutiny Committee shall, at the same time as appointing members to other committees or sub-committees, appoint to the Overview Committee and to the Scrutiny Committee and to any sub-committee of those committees whose functions relate wholly or partly to any education functions which are the responsibility of the Executive 2 parent governor representatives as voting co-opted members of those committees or sub-committees.
- (b) The term of office of the parent governor voting co-optees appointed under paragraphs (a) and (d) of this Standing Order shall be 3 years (or less if otherwise so determined by Full Council).
- (c) Full Council or in the case of their sub-committees the Overview Committee and the Scrutiny Committee shall, at the same time as appointing members to other committees or sub-committees, appoint to the Overview Committee and to the Scrutiny Committee and to any sub-committee of those committees whose functions relate wholly or partly to any education functions which are the responsibility of the Executive 2 further voting co-opted members to those committees or sub-committees one of whom shall be nominated by the Diocesan Board of Education for any Church of England Diocese which falls within the Council's area and one of whom shall be nominated by the bishop of any Roman Catholic Diocese which falls within the Council's area.

- (d) Full Council or in the case of their sub-committees the Overview Committee and the Scrutiny Committee may also, at the same time as it appoints members to other committees or sub-committees, appoint to the Overview Committee and to the Scrutiny Committee and to any sub-committee of those committees whose functions relate wholly or partly to any education functions which are the responsibility of the Executive 2 non voting co-opted members to those committees or sub-committees who represent the governing bodies of foundation schools which are faith schools not covered by paragraph (c) above.
- (e) A co-opted member appointed under this Standing Order shall be entitled to receive all papers and take part in the entire discussion that takes place at a meeting of the relevant committee or sub-committee and voting co-opted members shall be entitled to vote on any question which falls to be decided at the meeting and which relates to any education functions which are the responsibility of the Executive as determined by the Borough Solicitor.
- (f) Co-opted members entitled to vote shall sign an undertaking agreeing to be bound by the Brent Members Code of Conduct and shall register any interests which by that Code they are required to so register in the Register of Member Interests. Non-voting co-opted members shall sign an undertaking in a form notified to them by the Borough Solicitor.
- (g) No co-opted member shall take their place on the committee or sub-committee to which they have been appointed unless and until they have given the undertaking required to be given in accordance with paragraph (f) above.
- (h) If a voting co-opted member fails or refuses to notify the Democratic Services Manager of any change to the information contained in the Register of Member Interests within a period of 28 days of the occurrence of the change, he or she shall be removed from any committee, sub-committee or joint committee to which he or she has been appointed.

21. Call in of Executive decisions

- (a) If:-
 - (i) the Scrutiny Committee decides; or
 - (ii) at least 40% of the members of the Scrutiny Committee (including voting co-opted members if the decision relates to any education function of the Executive) request; or
 - (ii) 40% of the non-executive members of the Council (for the avoidance of doubt excluding voting and non-voting co-opted members) request

that any decision of the Executive or its committee(s) or any Key Decision made by officers be called in for scrutiny then the Forward Plan Select

Committee or in the case of an education matter the Life Long Learning Scrutiny Panel 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 Executive or its committee(s) take place within 15 days of the date on which the relevant decision was made or in the case of an officer decision take place within 15 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. This period will be extended by the Democratic Services Manager as appropriate to take account of any public or religious holidays identified in the Municipal Calendar.

(b) Any such decisions or requests to call in a decision shall be made within 5 days of the date on which the relevant decision was made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. Any request to call-in shall be made in accordance with Standing Orders 5 and 6.

(c) In considering the call-in the Forward Plan Select Committee (or in the case of an education matter the Life Long Learning Scrutiny Panel) shall determine whether it accepts any response which may have been given to it by the relevant decision maker and if it does not accept their response it can, in respect of that decision, agree recommendations to be given to the decision maker.

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(d) If the Forward Plan Select Committee (or in the case of an education matter the Life Long Learning Scrutiny Panel) recommends to the decision maker that it should reconsider the decision or matter then

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(i) in the case of a decision made by the Executive the Executive shall meet and shall take into account the views expressed or recommendations made to it and may then proceed to implement or change the decision as it sees fit, whether or not the matter is referred to Full Council for further consideration under Standing Order 22; or

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(iii) in the case of a key decision made by an officer, the officer who made the key decision shall take into account the views expressed or recommendations made to him or her and may then proceed to implement or change the decision as he or she sees fit, whether or not the decision is referred to Full Council for further consideration under Standing Order 22.

22 Referral of Called in Decisions to Full Council

(a) If, following consideration by the Forward Plan Select Committee (or in the case of an education matter the Life Long Learning Scrutiny Panel) of a called in decision, at least 40% of the members of the Council (not including the co-opted members) so request the decision the subject of the call in shall be referred to a meeting of Full Council for further consideration.

- (b) Any request to refer such a decision to Full Council, in accordance with paragraph (a) above, shall be made in writing, together with the reasons for the referral, to the Democratic Services Manager within 5 days of the date on which the Forward Plan Select Committee (or in the case of an education matter the Life Long Learning Scrutiny Panel) met in accordance with Standing Order 21(a) or the date on which the decision maker (or in the case of an education matter the Life Long Scrutiny Panel) reconsidered their decision in accordance with Standing Order 21(d) if later. The Democratic Services Manager shall forthwith copy the request and the reasons to the Leader.
- (c) The Leader shall include in his or her report to Full Council any comments of the Executive on the referral and the reasons given therefore.
- (d) Full Council may make such recommendations to the Executive as it sees fit and the Executive shall, if the recommendations relate to a function which is properly exercisable by the Executive, take into account but shall not be obliged to accept those recommendations.

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THE POLICY FRAMEWORK AND THE BUDGET

23. The Framework for Executive decisions

Full Council will, be responsible for the adoption of the Council's Policy Framework and the Budget as set out in Article 4 of the Constitution. Once a budget or a policy is in place, it will be the responsibility of the Executive to implement it in so far as it relates to Executive functions.

24. Timetable and consultation

The Executive will, whether by including it in the Annual Policy Programme or otherwise, publish a timetable for making proposals to Full Council for the adoption of any plan, policy or strategy that forms part of the Policy Framework and the Budget and its arrangements for consultation. The Chair of the Overview Committee will also be notified of that timetable. If the matter is one where the Overview Committee has carried out a review of policy, then the outcome of that review will be considered in the preparation of proposals by the Executive together with the responses to consultation.

25. Developing proposals for the budget and capital programme

- (a) In the case of the Council's annual budget, including the capital programme, the Executive shall present a report to Full Council setting out the financial position of the Council, financial forecasts for the following year and expenditure priorities. There shall then be a debate on the issues raised in that report held in accordance with Standing Order 45 hereinafter called a "First Reading Debate".
- (b) Following the First Reading Debate a record of the debate shall be sent by the Democratic Services Manager to the Chair of the Overview Committee together with a copy of the report that was presented to Full Council under paragraph (a). The Democratic Services Manager will place the item on the agenda for the next meeting of the Overview Committee. The Overview Committee shall provide comments to the Executive within 3 weeks of the First reading Debate unless there are special reasons for requesting that their response be provided within a shorter period which request shall be made by the Democratic Services Manager on behalf of the Leader.
- (c) During the period specified in (b) above the Overview Committee will consider the report presented to Full Council under paragraph (a) and shall undertake any consultation it considers appropriate and shall report back to the Executive with its response.
- (d) Having considered any comments made by the Overview Committee and the matters noted at the First Reading Debate the Executive will agree its budget proposals which shall be submitted by the Leader to the Performance and Finance Select Committee for consideration and then to a special meeting of Full Council for consideration and determination held in accordance with Standing Order 35.

(e) Where, before 8th February in any financial year (but not otherwise), the Executive submits to Full Council for its consideration in relation to the following financial year:

- (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 36 or 43 to 47 of the Local Government Finance Act 1992;
- (ii) estimates of other amounts to be used for the purposes of such a calculation; or
- (iii) estimates of such a calculation

(other than those required in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992) and following consideration of those estimates or amounts Full Council has any objections to them it must then comply with the following paragraphs of this Standing Order.

(f) Subject to (e) above, before Full Council makes any calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (e)(i), it must inform the Leader of any objections which it has to the Executive's estimates or amounts and must give the Leader instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with Full Council's requirements.

(g) Where Full Council gives instructions in accordance with paragraph (f), it must specify a period of at least five days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may:-

- (i) submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with Full Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to Full Council for Full Council's consideration; or
- (ii) inform Full Council of any disagreement that the Executive has with any of Full Council's objections and the Executive's reasons for any such disagreement.

(h) When the period specified by Full Council, referred to in paragraph (g) above has expired Full Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (e)(i), take into account:-

- (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (ii) the Executive's reasons for those amendments;

- (iii) any disagreement that the Executive has with any of Full Council's objections; and
- (iv) the Executive's reasons for that disagreement

which the Leader submitted to Full Council, or informed Full Council of, within the period specified.

- (i) In the event that there is a dispute between the Executive and Full Council on all or any part of the Capital Programme which cannot be resolved at the relevant meeting, Full Council shall instruct the Executive to reconsider their proposal in accordance with paragraphs (i) and (i) of Standing Order 26 below.

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26. 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 which is identified in the Annual Policy Programme (if any) as a plan, policy or strategy to be subject to a First Reading Debate, the Executive shall present a report to the Full Council setting out the various issues in respect of that plan, policy or strategy. There shall then be a First Reading Debate on the issues raised in that report.
- (b) Following the First Reading Debate, Full Council may refer the report and any issues raised at the meeting to the Overview Committee for further advice and consideration. The Overview Committee may canvass the views of local stakeholders, in particular relevant Consultative Forums if it considers it appropriate but having particular regard not to duplicate any consultation carried out by the Executive.
- (c) Following the referral of the report to it under paragraph (b) above, the Overview Committee shall report to the Executive on the outcome of any consultation and its deliberations within 8 weeks of the date of the First Reading Debate unless Full Council considers that there are special circumstances that make this timescale inappropriate in which case Full Council will specify the period within which the response must be reported.
- (d) In the case of a plan, policy or strategy forming part of the Policy Framework which is identified in the Annual Policy Programme (if any) as a plan, policy or strategy which is not to be subject to a First Reading Debate a report setting out the various issues in respect of the plan, policy or strategy shall be submitted to the Overview Committee for advice and consideration. The Overview Committee may canvass the views of local stakeholders in particular, relevant Consultative Forums if it considers it appropriate, but having particular regard not to duplicate any consultation carried out by the Executive.
- (e) Following the submission of the plan, policy or strategy to it under

paragraph (d) above, the Overview Committee shall provide comments to the Executive on the outcome of any consultation and its deliberations within 8 weeks of the date of receipt of the report unless the Leader considers that there are special circumstances that make this timescale inappropriate in which case the Democratic Services ~~Manager~~ will, on behalf of the Leader, specify the period within which the response must be reported to it.

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- (f) The report will be referred to the Overview Committee under paragraphs (b) and (d) above by sending a copy to the Democratic Services Manager who will forward them to the Chair of the Overview Committee.
- (g) Having considered any comments received from the Overview Committee and the matters noted at any First Reading Debate the Executive may then agree its proposed plan, policy or strategy which shall then be reported by the Leader to Full Council for consideration and determination together with details of how the Executive has taken into account any recommendations received from the Overview Committee.
- (h) Full Council will consider the proposals of the Executive and may adopt them or may decide that it has objections to them or may decide that it would be minded to adopt them subject to certain amendments. Where Full Council objects to or wants to amend the proposals then before it amends or adopts them or approves them for the purpose of submission to the Secretary of State or Minister of the Crown for his or her approval it must inform the Leader of any objections which it has to the draft plan, policy or strategy and must, unless the Leader agrees those amendments at that meeting, give instructions requiring the Executive to reconsider the proposals in the light of those objections.
- (i) Where Full Council gives instructions in accordance with the preceding paragraph it must specify a period of at least 5 days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may submit to Full Council for reconsideration either a revised draft of the plan, policy or strategy together with the Executive's reasons for any amendments or details of those aspects of Full Council's objections that the Executive disagrees with and the reasons for any such disagreement.
- (j) When the period specified in the preceding paragraph has expired Full Council must, when amending or adopting the plan, policy or strategy or approving it for the purpose of submission to the Secretary of State or Minister of the Crown for his or her approval take into account any amendments included in any revised draft plan, policy or strategy submitted by the Executive within the required period as set out above, the Executive's reasons for those amendments, any disagreement that the Executive has with any of Full Council's objections and the Executive's reasons for that disagreement.

- (k) Any member wishing to put forward an alternative proposal in respect of a plan, policy or strategy forming part of the Policy Framework shall submit the proposal in writing to the Democratic Services Manager at least 10 days before the meeting at which the First Reading Debate is to take place or in the case of a plan, policy or strategy which is not the subject of a First Reading Debate at least 15 days prior to the end of the consultation period specified in the Annual Policy Programme. The Democratic Services Manager shall number such written alternative proposals in the order in which they are received and shall arrange for them to be circulated to all members of the Council as soon as possible after having received them and prior to the meeting at which any First Reading Debate is to take place or the next meeting of the Overview Committee at which the plan, policy or strategy will be considered.

27. Executive Decisions Outside the Policy Framework and the Budget

Full Council may in respect of any decision which the Executive has purported to take or is minded to take which is referred to Full Council for consideration under Standing Order 15(b):-

- (a) endorse the decision or proposed decision of the Executive;
- (b) amend the relevant plan, policy or strategy so as to encompass the decision or proposed decision of the Executive and agree to the decision with immediate effect; or
- (c) instruct the Executive 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

28. Types of Meeting

- (a) Full Council shall hold the following types of meeting:
 - (i)* *Annual Meetings, to be held on such day in the month of March, April or May as Full Council may so determine.*
 - (ii)* *Ordinary Meetings of Full Council, for the transaction of general business to be held in each year on such occasions as Full Council may so determine.*
- (b) Full Council may hold Special Meetings on such days as Full Council may determine for the principal purpose of transacting a specific item or specific items of business.
- (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) Annual Meetings, Ordinary Meetings, Special Meetings and Extraordinary Meetings of Full Council shall be held at 7.00 pm at Brent Town Hall, or otherwise as determined by Full Council or, in the case of an Extraordinary Meeting, as determined by the Mayor, or if called other than by the Mayor, as determined by the Democratic Services Manager.

29. Intervals

At any meeting of Full Council there may be an interval if the Mayor so directs and, if he or she does so direct, for such period as specified by him or her.

30*. Chair Of Meeting

Any powers or duties of the Mayor in relation to the conduct of a meeting of Full Council may be exercised by the Deputy Mayor if present and chosen by the meeting to chair that meeting, or if the Deputy Mayor is not present or is not chosen by the meeting, by another councillor chosen by the meeting to chair the meeting.

31. Quorum of Meetings of Full Council

- (a)* *A quorum for a meeting of Full Council shall be one quarter of the whole number of members of the Council.*
- (b)* *If at the time appointed for the meeting and during the succeeding twenty minutes, a quorum of members shall not be present, no business shall be transacted.*
- (c) During any meeting of Full Council, the Mayor may require the division bell to be rung and if, one minute after the bell has been rung, the Mayor

counts the number of members present and declares the meeting inquorate, the meeting shall stand adjourned.

- (d) The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned or if the Mayor does not fix a time, to the next ordinary meeting of Full Council.

32. The Annual Meeting

At the Annual Meeting of Full Council, the order of business shall be as follows:-

(a)* **Citizenship Awards:**

Prior to any business being transacted at the meeting the Mayor will present the Citizenship Awards.

(b)* **Mayor:**

To elect the Mayor for the following year. The incoming Mayor will give a vote of thanks to the outgoing Mayor who will then have the opportunity to address the meeting.

(c) **Deputy Mayor:**

If so signified to receive the Mayor's intimation in writing of the appointment by the Mayor of a Councillor of the Borough to be Deputy Mayor.

(d) **Election results and acceptance of office:**

To receive the report of the Chief Executive upon the result of the elections of Councillors to the several wards of the borough held on the day fixed for the purpose by the Secretary of State pursuant to the provisions of the Local Government Act 1972 and the acceptance of office of Councillors elected.

(e) **Election expenses:**

Authorisation of the payment of the proper expenses of the Elections.

(f) **Declarations:**

Declarations by members of any personal and prejudicial interests in any matter to be considered at the meeting.

(g) **Minutes:**

To read and approve as a correct record the minutes of the last meeting or meetings of Full Council provided that if a copy has been circulated to each member of the Council not later than the date of

issue of the summons to attend the meeting the minutes shall be taken as read.

(h)* ***Urgent business:***

If the Mayor so agrees, to consider any urgent business.

(i)* ***Business required to be dealt with:***

To deal with any other business expressly required by statute to be dealt with.

Business falling under (a) and (b) shall not be displaced, but subject thereto the foregoing order of business may be varied by the Mayor at his or her discretion.

33. Citizenship Awards

The outgoing Mayor shall, at the Annual Meeting of Full Council and prior to any business being transacted, present the citizenship awards and may invite persons on to the floor of the chamber to collect such awards. During the presentation of the awards only the Mayor and persons invited by the Mayor to do so may speak and for no longer than the period permitted by the Mayor.

34. Special Meetings

The summons for a special meeting may include only the following items of business:-

(a)* ***Appoint a Chair:***

To choose a person to preside if the Mayor is absent.

(b)* ***Business required to be dealt with first:***

To deal with any business required by statute to be dealt with before any other business.

(c) **Declarations:**

Declaration by members of personal *and* prejudicial interests in any matter to be considered at the meeting.

(d) **The special business:**

The business in respect of which the special meeting was called.

(e) **Business required to be dealt with:**

If necessary, to deal with any other business expressly required by statute to be dealt with including election results, review of political balance and appointments to committees and appointments as appropriate.

Business falling under (a) and (b) shall not be displaced, but subject thereto the foregoing order of business may be varied by the Mayor at his or her discretion.

35. Council Tax Setting

- (a) A Special Meeting of Full Council shall be held each year on a day not later than 10th March or such later date as may be allowed by statute to set the level of Council Tax for the following Council Tax year and to deal with associated budgetary matters.
- (b) The Leader shall present a report to the meeting setting out the final proposals for the budget which report shall include details of how the comments and recommendations of the Overview Committee made pursuant to Standing Order 25(c) (if any) have been taken into account by the Executive in the formulation of those proposals.
- (c) Following presentation of the report by the Leader, the Chair of the Overview Committee shall be allowed up to 10 minutes to present the findings of the Overview Committee following which there shall be a general debate and a vote taken.

36. The Constitution and Appointments

**Unless the following business has already been transacted at the Annual Meeting or another meeting of Full Council, a Special Meeting shall be held each year as soon as reasonably practicable after the Annual Meeting the special business for which will be:-*

(a) **Agree the Constitution:**

To agree any changes to the Constitution.

(b) **Political Balance:**

To review and determine under Section 15 of the Local Government and Housing Act 1989 or any re-enactment or modification thereof the allocation of seats on Council committees and other relevant bodies.

(c) **The Executive:**

To appoint the Leader of the Executive and another nine members to be members of the Executive.

(d) **Appointments to committees and other bodies:**

To appoint to the membership of Council committees and joint committees and other relevant bodies, forums and panels; to appoint the Chairs and Vice Chairs of the Council Committees forums and panels (except the Overview Committee and the Scrutiny Committee); and to agree the alternates for members

(e) **Meetings of Full Council:**

Where possible to agree the days, hour and venue for meetings of Full Council in the forthcoming municipal year.

(f) **Other meetings:**

To settle, as far as is considered advisable, the calendar of meetings for the forthcoming municipal year.

37. Extraordinary meetings

- (a) An Extraordinary Meeting of Full Council may be called at any time by the Mayor, or in the absence of the Mayor, by the Deputy Mayor. References in the following paragraphs of this Standing Order to the Mayor shall include the Deputy Mayor acting in his or her absence.
- (b) If the Mayor refuses to call an Extraordinary Meeting of Full Council after a requisition for that purpose, signed by five members of the Council, has been presented to him or her, or if, without so refusing, the Mayor does not call an extraordinary meeting within seven days after the requisition has been presented to him or her, then, any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an Extraordinary Meeting of Full Council.
- (c) A requisition under paragraph (b) above for an Extraordinary Meeting of Full Council may be presented to the Mayor either personally or by leaving it with the Democratic Services Manager, or a member of his or her staff, who shall be empowered to receive the requisition on the Mayors behalf. Any such requisition shall be accompanied by notice of the motion or motions to be debated at the Extraordinary Meeting. The requisition shall be marked with the date and time of receipt by the Mayor or the officer receiving it on the Mayors behalf.

38. Ordinary Meetings

The order of business at every ordinary meeting of Full Council shall be:-

(a)* **Absence of Mayor:**

To choose a person to preside if the Mayor is absent.

(b)* **Business required to be dealt with first:**

If necessary, to deal with any business required by statute to be done before any other business.

(c) **Minutes:**

To approve as a correct record and sign the minutes of the last meeting or meetings of Full Council.

(d) **Declarations:**

Declaration by members of any personal and prejudicial interests in any matter to be considered at the meeting.

(e) **Mayor's announcements**

(f) **Business from previous meetings:**

If necessary, to dispose of any business remaining from the last meeting of Full Council.

(g) **Appointments to Committees/Appointments of Chairs/Vice Chairs**

If necessary, to agree appointments to committees and except in the case of the Overview Committee or the Scrutiny Committee to agree the appointment or replacement of Chairs and/or Vice Chairs of committees.

(h) **Other Business required to be dealt with:**

Including, by way of example but not limitation, election results, review of political balance, changes to the Constitution, recommendations from committees, reports from Chief Officers and any other business required to be dealt with.

(i) **Question Time/Non-Executive Members Items:**

A Question Time Debate and a Non-Executive Members Item Debate shall be held alternately at each ordinary meeting of Full Council.

(j) **Reports from the Leader of the Executive, Chair of Overview Committee and the Chair of Scrutiny Committee :**

To receive reports from the Leader of the Executive and the Chairs of the Overview Committee and the Scrutiny Committee in accordance with Standing Orders 41 to 43.

(k) **General Debate:**

To hold a general debate in accordance with Standing Order 44.

(l) **First Reading Debate:**

If necessary to hold a First Reading Debate on the policies described in the Annual Policy Programme as being subject to a First Reading Debate to be held in accordance with Standing Order 45.

(m) **Motions Selected by the Leaders of the two Largest Opposition Groups**

If there is no First Reading Debate to receive from and debate Motions selected by the leaders of the two largest opposition groups or a person nominated by them in accordance with [Standing Order 46](#).

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(n)* ***Urgent business:***

If the Mayor so agrees, to consider any urgent business.

Business falling **under (a) to (f)** shall not be displaced, but subject thereto the foregoing order of business may be varied by the Mayor at his/her discretion.

39. Question Time

- (a) A period of not more than 45 minutes shall be allowed to ask and respond to questions raised under this item.
- (b) Any non-executive member may submit a written question to the Executive on any matter which is the responsibility of the Executive. Such written question shall consist of not more than 50 words and shall be submitted to the Democratic Services Manager at least 5 clear days prior to the next ordinary meeting of Full Council at which a Question Time will take place. Only one written question may be submitted by each non-executive member in the period between each Question Time. All such written questions shall be responded to by the Executive within three weeks of receipt of the question unless a longer period is required for some special reason.
- (c) At least 5 clear days before the relevant meeting any non-executive member may notify the Democratic Services Manager that he or she would like to raise a supplementary question relating to the subject matter of their original written question submitted within the timescale specified in paragraph (b) above whether or not a written response has been provided to them under that paragraph (b). Such notification shall be given to the Democratic Services Manager before 12 noon.
- (d) The names of the non-executive members who have submitted written questions and the names of the non-executive members wishing to ask a supplementary question shall be held by the Democratic Services Manager.
- (e) The leader of the largest opposition group or a person or persons nominated by him or her will be entitled to ask two supplementary questions of the Executive provided he or she (or their relevant nominee(s)) has submitted a written question to the Democratic Services Manager in accordance with paragraph (b) above and provided that at least 5 clear days prior to the relevant meeting of Full Council he or she has in accordance with paragraph (c) above notified the Democratic Services Manager of his or her intention to ask a supplementary question and/or the name(s) of his or her nominee(s). In the event that he or she does not notify the Democratic Services Manager of his or her intention to ask a supplementary question or nominate another person or persons to ask a supplementary question then the number of other non-Executive members selected pursuant to paragraph (g) below will be increased by one or two as the case may be.

- (f) The leader of the second largest opposition group or a person nominated by him or her will be entitled to ask one supplementary question of the Executive provided he or she (or their relevant nominee) has submitted a written question to the Democratic Services Manager in accordance with paragraph (b) above and provided that at least 5 clear days prior to the relevant meeting of Full Council he or she has in accordance with paragraph (c) above notified the Democratic Services Manager of his or her intention to ask a supplementary question or the name of his or her nominee. In the event that he or she does not notify the Democratic Services Manager of his or her intention to ask a supplementary question or nominate another person to ask a supplementary question then the number of other non-Executive members selected pursuant to paragraph (g) below will be increased by one.
- (g) Subject to (e) and (f) above seven names from the list of members who have in accordance with (c) above notified the Democratic Services Manager that they wish to ask a supplementary question shall be selected by way of random ballot by the Democratic Services Manager or his or her representative as soon as possible after the deadline specified in paragraph (c) above at such date and time and venue to be notified to the party group offices beforehand PROVIDED that three supplementary questions shall be reserved for non Executive-Members from the majority group who have requested to ask a supplementary question (if any).
- (h) The written question submitted by the leaders of the two largest opposition groups and/or any non-executive members who have been selected or nominated in accordance with the preceding paragraphs shall be circulated to all members prior to the relevant meeting together with any written response that has been received from the Executive.
- (i) The leader of the largest opposition group shall be called first to put his or her supplementary question(s) to the Executive followed by the leader of the second largest opposition group followed by the other non-executive members whose names have been selected or nominated, which members shall be called in the order in which their written question was received by the Democratic Services Manager.
- (j) Each member shall have up to 2 minutes to ask their supplementary question which must relate to the subject matter of their original written question. A written note of the supplementary question asked at the meeting or a summary of it shall be provided to the Democratic Services Manager immediately prior to it being asked.
- (k) A member of the Executive shall have up to 2 minutes to respond to the supplementary question.
- (l) In the event that a non-executive member does not attend the Full Council meeting at which their supplementary question was to be asked then the right to ask the supplementary question shall be forfeited and the question may not be asked by another member save that in the case of the supplementary questions reserved for the two largest opposition groups

and the majority group their question may be asked by another Non-Executive member of their political group.

40. Items Selected by Non-Executive Members

- (a) As soon as possible after an ordinary election of members to the Council the Democratic Services Manager shall notify the leaders of the political groups of the date, time and venue of the random ballot of names of non-executive members (but excluding the Mayor and Deputy Mayor) for the purposes of this Standing Order.
- (b) The Democratic Services Manager will, at the appointed date time and place, select by way of random ballot the names of the non-executive members (but excluding the Mayor and Deputy Mayor) and will list those names in the order in which they are selected.
- (c) The members selected will then be entitled, in the order in which they were selected, to raise an issue of their choice (but which shall relate to the functions of the Council or which shall affect the inhabitants of the borough) at a meeting of Full Council at which non-executive members items are to be debated.
- (d) The member selected may permit another non-executive member to stand in his or her place for the purpose of raising the item and any subsequent speech (unless that other non-executive member has already raised an item under this Standing Order) but in such cases the name of that other member shall be deleted from the numbered list prepared under paragraph (b) above and there shall in its place be substituted the name of the member selected originally to raise the item at the meeting concerned.
- (e) No member shall be permitted to raise an issue under this Standing Order more than once until there are no names remaining on the list in which case another ballot shall be held on a date and at a time and venue to be notified to the leaders of the political groups by the Democratic Services Manager such notification to be given not less than 2 weeks prior to the date of the ballot. The list will cease to be of effect upon the date of the next ordinary election of members to the Council.
- (f) The member selected (or the member nominated by such member to stand in his or her place) shall submit to the Democratic Services Manager at least 10 days prior to the meeting at which the item is to be raised a note of the item he or she will be raising which note shall comprise not more than 100 words. The note submitted shall be included in the agenda for the meeting at which it will be raised provided that its contents are not, in the reasonable opinion of the Borough Solicitor, improper, irregular or unlawful.
- (g) At every meeting at which Non-Executive Member Items are on the agenda there shall be allowed a period of up to 45 minutes to raise not more than three such items and to respond to and comment thereon in accordance with the following procedure.
- (h) The first member selected or nominated shall be allowed up to 3 minutes to raise the issue and ask any associated question(s). The Mayor shall then

select up to four further speakers who shall be allowed up to 2 minutes each to comment, which comments shall relate to the subject of the item raised. The Leader or, if the Leader so indicates, another member of the Executive shall be allowed up to 3 minutes to respond to the issues raised and any questions asked by the non-executive member who raised the item. Full Council shall then move to the vote on whether to request the Executive to consider further the issues raised unless the Leader or other member of the Executive indicates that the Executive will in any event consider further the issues raised in which case no vote will be necessary.

- (i) The process set out in the preceding paragraph shall be repeated for the second member selected or nominated under paragraphs (b) or (d) above and then again for the third member selected.
- (j) The Mayor may exercise his or her discretion to curtail speeches in order to allow the Leader or other Executive Member a reasonable period in which to respond to the final item raised under this Standing Order within the overall time limit in (g) above.
- (k) The names of any new members elected to office and the names of any members who were at the time of the ballot a member of the Executive but have since ceased to be a member of the Executive shall be added to the list if they make a written request to the Democratic Services Manager. Such names will be added to the list in the order in which the request is received. Non-executive members who become Executive members will lose their right to raise an item under this Standing Order.

41. Report from the Executive

- (a) The Leader or other member(s) of the Executive shall be allowed up to 20 minutes to report to Full Council on all or any of the following matters:-

- (i) **Changes to Annual Policy Programme:**

Any changes recommended to be made to the Annual Policy Programme;

- (ii) **Reports to be discussed at a First Reading Debate:**

Any initial report to be debated at a First Reading Debate in accordance with Standing Order 45, including the initial report on the annual budget;

- (iii) **Policy proposals referred to Full Council for approval following a First Reading Debate:**

Any proposed plan, policy or strategy which has been through a First Reading Debate and which is being presented by the Executive to Full Council for approval, the views (if any) of the Overview Committee and the way in which those views were taken into account by the Executive;

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

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

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

Any decisions which the Executive have purported to take or are minded to take which, in the reasonable opinion of the Monitoring Officer or the Director of Finance 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 27;

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

Any decisions which the Executive have 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 16 (to include the reasons for urgency);

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

Any decisions which were not included in the Forward Plan but were taken by the Executive under the urgency provisions in Rules 38 and 39 of the Access to Information Rules and the reasons for such urgency;

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

Any decisions which were called in for scrutiny and which were implemented under the urgency provisions in Standing Order 15(a) prior to consideration of the decision by the Forward Plan Select Committee or the Life Long Learning [Scrutiny](#) Panel as the case may be and the reasons for urgency;

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

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

(x) **The response of the Executive to comments received:**

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

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

42. Report from the Chair of the Overview Committee

- (a) Following the presentation of the report from the Leader or Members of the Executive the Chair of the Overview Committee may present a report on any matter in respect of which the Committee or its sub-committee has been consulted or which it has been reviewing or considering and shall be permitted to speak for up to 10 minutes thereon.
- (b) In the absence of the Chair the report shall be presented by the Vice Chair of the Overview Committee 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.

43. Report from Chair of Scrutiny Committee

- (a) Following the presentation of the report from the Chair of the Overview Committee or, if there was not one, the report from the Leader or Members of the Executive, the Chair of the Scrutiny Committee may present a report on any matter in respect of which the committee or its sub-committees have been consulted or which the committee or its sub-committees have been reviewing or considering. The Chair or other person nominated by him or her to speak shall be permitted to speak for up to 10 minutes. The Chair or other person nominated to speak shall where appropriate include in his or her report:-

- (i) proposed changes to the work programme of the committee or its sub- committees;
- (ii) details of the decisions or proposals of the Executive, which have been called in for scrutiny and are being referred to Full Council in accordance with Standing Order 22;
- (iii) details of decisions or proposals of the Executive, other than those permitted to be made by the Executive under Standing Order 16 (urgency) or 17 (virement and in year changes to policy), which the Scrutiny Committee or any of its sub-committees consider 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;
- (iv) details of the decisions of the Executive which the Scrutiny Committee or any of its sub-committees consider were made by the

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Executive other than in accordance with those parts of the Access to Information Rules applicable to such decisions.

- (b) In the absence of the Chair the report shall be presented by the Vice Chair of the Scrutiny Committee 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.

44. General Debate on Reports from the Executive, Overview and Scrutiny

Following the presentation of the reports in accordance with Standing Orders 41 to 43 there shall be allowed a period of up to 30 minutes to debate the issues raised in the reports (other than issues relating to a matter which is to be the subject of a First Reading Debate) and to answer questions and at the end of the period there shall be put to the vote:

- i) any Motions and/or amendments relating to the issues raised in the report back from the Chair of the Scrutiny Committee;
- ii) followed by any Motions and/or amendments relating to the issues raised in the report back from the Chair of the Overview Committee;
- iii) followed by any Motions and/or amendments relating to the issues raised in the report back from the Leader or other Members of the Executive (*including any alternative proposals submitted in respect of any plan, policy or strategy submitted by the Executive to Full Council*)*

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45. First Reading Debate

- (a) Where at an Ordinary Meeting of Full Council a First Reading Debate is to be held in respect of the budget or any plan, policy or strategy forming part of the Policy Framework a period of 30 minutes shall be allowed for a debate on the budget or that plan, policy or strategy (or longer if the Mayor so agrees).
- (b) At the conclusion of the First Reading Debate Full Council shall note the contents of the report and any other information submitted to it, the debate concerning any questions raised and any other relevant issues. The proposal may be referred to the Overview Committee in accordance with Standing Orders 25 (b) and/or 26 (b) as the case may be.

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46. Motions Selected by the Leaders of the Two Largest Opposition Groups

- (a) Where at an Ordinary Meeting of Full Council there is no First Reading Debate there shall be held an item called 'Motions Selected by the Leaders of the Two Largest Opposition Groups' in respect of which a period of no more than 40 minutes shall be allowed.

- (b) The leaders of the two largest opposition groups shall, if they wish to select a Motion to be debated under this Standing Order, give notice of their intention to do so to the Democratic Services Manager not less than 10 days before the date of the meeting which notice shall be accompanied by a copy of the Motion they are intending to move at the meeting.
- (c) Up to 25 minutes shall be allowed to debate and vote on the Motion selected by the leader of the largest opposition group and a further period of up to 15 minutes shall then also be allowed to debate and vote on a Motion selected by the leader of the second largest opposition group.
- (d) The debate shall commence with the leader of the largest opposition group or a person nominated by him or her being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Democratic Services Manager. Further speakers shall then be called by the Mayor.
- (e) Two minutes before the end of the 20 minute period allowed to debate the Motion selected the Motion shall be put to the vote.
- (f) Following the vote the debate shall continue with the leader of the second largest opposition group or a person nominated by him or her being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Democratic Services Manager. Further speakers shall then be called by the Mayor.
- (g) Two minutes before the end of the 10 minute period allowed to debate the Motion selected shall be put to the vote.

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47. Rules Of Debate For Meetings of Full Council

- (a)* *Any motion or amendment to a motion may be moved without notice but must relate to an item of business specified in the summons for the meeting.*
- (b) Each amendment shall relate to the subject matter of the motion and shall not have the effect of negating the motion.
- (c) Motions or amendments to motions shall not be open to debate until formally moved.
- (d) Motions and amendments to motions which have not been circulated in advance of the meeting shall be read aloud before they are open to debate.
- (e) Procedural motions shall be put to the vote without discussion, provided that the Mayor may, in his or her absolute discretion, allow or require the proposer to give (for such brief period as the Mayor may allow) reasons for proposing the motion.

- (f) A member shall stand when speaking and shall address the Mayor. If two or more members rise the Mayor shall call on one to speak.
- (g) Speeches shall be directed to the matter under discussion or to a personal explanation or to a point of order.
- (h) No speech shall exceed three minutes except where otherwise provided in these Standing Orders or by the consent of Full Council and except for a Chair or the Leader replying to a debate whose speech shall not exceed five minutes.
- (i) With the exception of an Executive Member responding to a question put to the Executive by a non-executive member, or a Chair of a committee or sub-committee replying to a debate on a report referred from the committee or sub-committee or where otherwise provided in these Standing Orders, a member shall not speak more than once on any item of business except on rising to a point of order or in personal explanation.
- (j) A member may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech by the member at the same meeting, which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.
- (k) Subject to the provisions of Standing Order 4(b) the ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (l) Whenever the Mayor rises during a debate, all those present then speaking or standing shall resume their seat and Full Council shall be silent.
- (m) A motion or amendment to a motion may be withdrawn or altered by the proposer with the consent of Full Council, which shall be signified without discussion. Where a motion is withdrawn there shall thereafter be no further debate on the item.
- (n) At the commencement of a debate, any member may move that only a specified number of members from each of the political groups shall be permitted to speak before a vote is taken or at the commencement of any meeting of Full Council or during the course thereof any member may move that only a specified number of members of each political group shall be permitted to speak on each motion or amendment thereto.
- (o) A member may move without comment at the conclusion of another member's speech: *"That the question be now put", "That the debate be adjourned (to some stated time)" or "That the Council do now adjourn (to some stated time)"* on which the Mayor shall proceed as follows:-
 - (i) On a motion that the question be now put, the Mayor shall first put that motion to the vote without further discussion; if it is passed the motion(s) and/or amendment(s) relating to the subject of the debate will then also be put to the vote;
 - (ii) On a motion to adjourn the debate or the meeting, the Mayor shall put that motion to the vote without further discussion; if it is passed

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the debate or meeting shall stand adjourned to the time stated; if the debate is adjourned the Council will proceed to the next item of business; if the meeting is adjourned no further business will be transacted until the adjourned meeting

AND no second motion that the question be now put or that the debate or meeting be adjourned shall be made during the consideration of the same business unless it shall be proposed by the Mayor.

- (p) The Mayor may at any time invite an officer to respond to any issue raised or question asked.

48. Voting

- (a) Prior to voting on a Motion there shall be put to the vote any amendments to that Motion that have been moved.

- (b)* *Amendments to Motions shall be taken in the order in which they were moved and shall be voted upon in succession unless, subject to the advice of the Borough Solicitor or the Chief Executive, it is agreed by the meeting that the amendments shall be taken en bloc.*

- (c) The mode of voting at meetings of Full Council shall be by show of hands and, on the requisition of the leader of a political group, or of any member of the Council supported by 14 other members of the Council raising their hands, made before the vote is called, the voting on any question shall be recorded in the minutes of the meeting so as to show whether each member present gave their vote for or against that question or abstained from voting.

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- (d)* *Where immediately after a vote is taken any member so requires, there shall be recorded in the minutes whether that person voted for the question or against the question or abstained.*

- (e) Except in the case of a vote taken under any provision of Standing Orders 49 (Guillotine) 50 (Minutes) or 51 (Disorderly Conduct), at least one full minute before a vote is taken at a meeting of Full Council a bell shall be rung to draw members' attention to the impending vote.

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- (f) For the purpose of voting and for recording votes at meetings of Full Council, members shall be present and seated in their places.

- (g)* *In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.*

- (h)* *Once a vote has been taken on any matter the matter shall not be reconsidered by the meeting other than to clarify any points or if the matter is a procedural matter only.*

49. The Council Guillotine Procedure

- (a) Every ordinary meeting of Full Council shall terminate no later than 10:30pm provided that Full Council may decide to adjourn the meeting to a specified date on a motion to this effect being proposed and put to the vote without discussion.

- (b) If the meeting is not adjourned then any outstanding items of business shall be dealt with as follows:
 - (i) in the case of reports from committees and sub-committees and reports of Chief Officers the Mayor shall invite motions to be proposed in respect of them. Any such motion(s) shall be moved without supporting comment and voted upon without debate. If no such motion is proposed or if three successive motions are voted upon and defeated the matter shall be adjourned to the next Ordinary Meeting of Full Council.
 - (ii) any other business shall be adjourned to the next ordinary meeting of Full Council.

50.* Minutes

- (a)* *Minutes of any meeting of Full Council shall be put forward for approval as a correct record and for signing to the next ordinary meeting of Full Council or to the Annual Meeting whichever shall first occur.*
- (b) The Mayor shall put the question that the minutes of the meeting of the Council held on the day of be approved as a correct record.
- (c) No discussion shall take place upon the minutes except upon their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.
- (d) There shall be recorded in the minutes of any meeting of Full Council any declarations of interests made by members in accordance with the Brent Members Code of Conduct both in the minute concerning the declaration of interests item itself and in the minute concerning the item of business to which the declaration relates.

51. Disorderly Conduct

- (a) If at any meeting of any part of the Council any member is, in the opinion of the person chairing the meeting, guilty of misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, then the Chair or any other member may move "That [Councillor X] not be heard further", and the motion shall be put and determined without discussion.
- (b) If the member named is guilty of further misconduct after a motion under the foregoing sub-paragraph has been carried the Chair shall:-
 - (i) move "That [Councillor X] shall now leave the meeting" and the motion shall be put and determined without discussion. If the Chair's motion is carried and the member(s) concerned fail(s) to leave the meeting, the Chair shall take such action, as he/she

deems appropriate in the circumstances to bring the member(s) concerned to order; or

- (ii) adjourn the meeting for such period, as the Chair shall consider expedient.
- (c) In the event of general disturbance which, in the opinion of the Chair of a meeting, renders the due and orderly despatch of business impossible, the Chair may adjourn the meeting for such period as the Chair shall consider expedient.
- (d) Members shall not at any time make any improper remark nor use unseemly language nor make offensive gestures nor make personal attacks on any person.
- (e) The Chair may call a member to order for irrelevance, repetition, imputation of dishonourable conduct or improper remark, unseemly language, offensive gestures or any breach of order and may direct a member if speaking to discontinue their speech.
- (f) If a member of the public interrupts the proceedings at any meeting the Chair shall warn them that if they continue to interrupt the proceedings of the meeting he or she may be removed from the Council chamber or meeting room, as the case may be. If they continue the interruption the Chair shall order their removal from the Council chamber or meeting room. In case of general disturbance in any part of the chamber or meeting room open to the public the Chair shall order that part to be cleared.

52. Smoking and Mobile Phones at Meetings

- (a) No person shall smoke at any meeting of the Council or the Executive or a committee or sub-committee thereof.
- (b) Any mobile phone taken into a meeting is to be switched off for the duration of the meeting.

COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL

53 Standing Orders to apply to Council Committees and Sub-Committees

- (a) The Standing Orders shall, where appropriate, apply with suitable modifications to meetings of committees and sub-committees of the Council except to the extent specified herein or to the extent that they are not necessary or relevant or would conflict with any other requirement in the Constitution in relation to that meeting including any code of conduct or code of practice.
- (b) In the event that there is any disagreement as to whether or not any part of these Standing Orders should or should not apply to a meeting of a committee or sub-committee whether with or without suitable modification the question shall be determined by the Chair on the advice from the

Borough Solicitor or the Democratic Services Manager or their representatives.

54 Appointments to Council Committees and Sub-Committees

- (a) Full Council may appoint such Council committees as it is required or permitted to appoint, such committees to be set out in Part 5 of the Constitution, together with their terms of reference and the number of members to be appointed.
- (b) Chairs and Vice Chairs of the Overview Committee and the Scrutiny Committee shall be appointed by the members of those committees except as prescribed by Standing Order 19(d). In all other cases, Full Council shall, appoint a Chair for each of the Council Committees and if it so wishes a Vice Chair.
- (c) Full Council may at any time dissolve a committee or remove any of its members or change the size of its membership.
- (d) Full Council shall determine the extent to which any functions may be exercised by any sub-committee and the terms of reference will be set out in Part 5 of the Constitution.
- (e) Appointment of the Council's sub-committees and agreeing the number of members to be appointed shall be by the parent committee and the Chair and (if considered necessary) Vice Chair of the sub-committees shall be appointed by the parent committee.
- (f) No member may be appointed to any committee or sub-committee so as to hold office later than the next Annual Meeting or until the Special Meeting of Full Council which meets after the next Annual meeting to agree appointment to committees.
- (g) Co-opted members may be appointed to committees and sub-committees in accordance with the rules for membership for committees and sub-committees contained in Part 5 of the Constitution.

55. Independent Members

- (a) The Full Council shall appoint 2 Independent Members to its Standards Committee one of whom shall be appointed as Chair.
- (b) The Independent Members shall hold office for one year or until the date of the Annual Meeting nearest to the expiry of that one year period (or if not dealt with at the Annual Meeting until the date of a Special Meeting as set out in Standing Order 36).
- (c) No Independent Member appointed by Full Council shall be entitled to act as an Independent Member until they have delivered to the Monitoring Officer a signed undertaking agreeing to be bound by the Brent Members Code of Conduct and shall register any interest which by that Code they are required to so register in the Register of Member Interests.

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- (d) The Independent Members shall not take their place on the Standards Committee unless and until they have given the undertaking required to be given in accordance with paragraph (c) above.
- (e) If the Independent Members fail or refuse to notify the Democratic Services Manager of any change to the information contained in the Register of Member Interests within a period of 28 days of the occurrence of the change, he or she shall be removed from the Standard Committee.

56. Appointment of and Changes to Alternate Members

- (a) Other than in the case of the Standards Committee, Full Council may appoint a first alternate member to attend, speak and vote in the absence of each member of a committee and a second alternate member to attend, speak and vote in the absence of each member and his or her first alternate, provided in either case that the alternate member is not already a member of the committee.
- (b) A parent committee may appoint alternate members to its sub-committees in the same manner as is described in (a) above.
- (c) If, apart from this part of the Standing Order, a person would otherwise be entitled to act at the same time as an alternate for more than one primary member of the committee that person shall be the alternate for the member whose surname has alphabetical priority.
- (d) Any member acting as an alternate shall notify the meeting as soon as he or she arrives, and once the meeting has received such notification, that member shall be duly appointed for the remainder of the meeting (which, for the avoidance of doubt, includes a meeting adjourned to continue on a subsequent day) to the exclusion of the member for whom he or she is alternating.

57 Special 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 quarter of the whole number of the committee or sub-committee (including any voting co-opted members), delivered in writing to the Democratic Services Manager provided that the number of members so calling the meeting shall not be less than 3. The summons to any meeting called under this Standing Order shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting. Meetings called under this Standing Order shall be known as a Special Meeting.

58. Adjournment and Cancellation of Meetings of Committees and Sub-Committees

- (a) The Chair of a committee meeting may specify a time at which the committee shall adjourn for twenty minutes or two times at which the committee shall adjourn for ten minutes.

- (b) The Chair, or in the absence of the Chair, the Vice Chair may authorise the cancellation of a meeting of that committee or sub-committee on the grounds of lack of business. He/she may also rearrange the date and/or time of a meeting of that committee or sub-committee after consultation with the Democratic Services Manager.

59. Chairing Meetings of Committees and Sub-Committees

- (a) The Chair shall preside at meetings of committees and sub-committees. If the Chair is not present for a meeting then the Vice Chair shall preside. If neither the Chair or Vice Chair are present at a meeting then the Chair for that meeting shall be elected by the persons present.
- (b) For the purpose of this Standing Order the word “present” means physically present in the room in which the meeting is to take place.

60. Quorum of Committees and Sub-Committees

No business shall be transacted at a meeting of a committee or sub-committee unless at least one quarter of the whole number of its members, or three members, whichever is greater, are present. After a meeting has commenced if at any time it becomes inquorate no further business shall be transacted and the meeting shall stand adjourned.

61. Speaking Rights of members of the public.

- (a) This Standing Order shall not apply to meetings of the Planning Committee.

- (b) Except as set out in this Standing Order or Standing Orders 69 (e)(ii) (Petitions) and 70 (Deputations) no member of the public shall be permitted to speak at a meeting of a committee or sub-committee of the Council unless invited by the Chair of the meeting to do so who shall specify the period allocated to the member of the public to speak which shall usually be up to 2 minutes except in special circumstances in which case up to 3 minutes shall be permitted.

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- (c) Except in the case of a person representing a deputation under Standing Order 69, any member of the public who wishes to address a meeting of a committee or sub-committee concerning an item of business on the agenda for the meeting in question shall give notice to the Democratic Services Manager or his or her representative prior to the commencement of the meeting of their wish to address the committee. Normally such notice shall be given at least 24 hours before the commencement of the meeting and the Democratic Services Manager shall keep a record of the order of receipt of such notices. Where a person indicating s/he wishes to address the committee has not given such a notice the Chair shall decide whether s/he shall be permitted to speak.
- (d) Where more than one person wishes to speak on the same item of business under paragraph (b) the Chair shall have the discretion to limit the

number of speakers and in so doing will take into account the order in which notices of a wish to speak were received by the Democratic Services Manager.

- (e) Where a report from or concerning a relevant Consultative Forum is before the Scrutiny Committee or Overview Committee or a sub-committee thereof and the Chair or any other representative of the Forum is present at the meeting and that person has given notice to the Democratic Services Manager prior to the commencement of the meeting of their wish to address the meeting on that item of business that person shall be entitled to address the committee or sub-committee for not more than 3 minutes (unless a longer period is permitted by the Chair) on that item of business. Normally such notice shall be given at least 24 hours before the commencement of the meeting and the Democratic Services Manager shall keep a record of the order of receipt of such notices. Where the Chair or any other representative of the Forum has not given such a notice but wishes to address the committee or sub-committee, the Chair shall decide whether s/he shall be permitted to speak which shall be for not more than 3 minutes unless a longer period is permitted by the Chair.

62. Speaking rights at Planning Committee

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the Committee may ask them questions after they have spoken.
- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his or her representative prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with calling members of the public to speak on that matter.

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63. Members may attend Committees

- (a) Subject to (c) below members of the Council shall be entitled to attend meetings of Council committees and sub-committees of which they are not members other than the Senior Staff Appointments Sub-Committee, the Staff Appeals Sub-Committees and the Schools Disciplinary Sub-Committee.
- (b) Members attending meetings of committees or sub-committees of which they are not members shall not be entitled to speak except with the permission of the Chair and in no case shall they be entitled to vote.
- (c) Members may be excluded from a meeting of a committee or sub-committee of which they are not a member if the meeting has excluded the press and public during consideration of any confidential or any exempt information listed in paragraphs 1 to 6, 9, 11, 12 and 14 of the Table set out in the Access to Information Rules.

64. Requirement to Attend Entire Meeting

- (a) No member shall be entitled to take part in or vote at a meeting of the Senior Staff Appointments Sub-Committee, the Schools Disciplinary Sub-Committee or the Staff Appeals Sub-Committees unless the member is present for the entire meeting.
- (b) No member shall be entitled to vote on any item being considered by the Planning Committee unless the member is present for the entire discussion of that item.
- (c) No member of the Standards Committee shall be entitled to take part in or vote on any item relating to the conduct of individual members of the Council unless the member is present for the entire discussion of that item.
- (d) No member shall be entitled to take part in or vote on any item being considered by the Licensing Sub-Committees unless the member is present for the entire discussion of that item.

65. Any Other Urgent Business as an Agenda Item

At all meetings of Council committees and sub-committees that are not special 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 Democratic Services Manager 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.

66. Voting in Committees and Sub-Committees and recording dissent

- (a) In the case of Planning Committee, if members are minded to grant planning permission contrary to the recommendation of officers then the matter shall be deferred until the next meeting of the committee and no decision shall be taken on that matter until that next meeting.
- (b) In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.
- (c) Voting at a meeting of a committee or sub-committee shall be by show of hands.
- (d) On the requisition of one member of the committee or sub-committee made before any vote is taken by show of hands and supported by not less than half of the members of the committee or sub-committee then present, voting shall be recorded so as to indicate whether each member present has voted for the motion, against it or abstained.
- (e) Where immediately after a vote is taken any member of the committee or sub-committee so requires, there shall be recorded in the minutes whether that person voted for the question or against the question or abstained.

67. Time and duration of meetings of Committees and Sub-Committees

- (a) Subject to paragraph (b) below, the time specified on the summons for commencement of a committee or sub-committee meeting shall not be later than 10.15pm unless the Chair is satisfied on reasonable grounds that:-
 - (i) each item of business to be transacted at that committee or sub-committee meeting should be dealt with as a matter of exceptional urgency; and
 - (ii) the meeting cannot be called to commence at an earlier hour without undue inconvenience.
- (b) The summons for a committee or sub committee meeting may specify that the meeting will commence at the time specified on the summons or upon the rising of another meeting of the Council, committee or sub-committee, if later.
- (c) Subject to paragraphs (d) and (e) below, transaction of business at every committee or sub-committee meeting shall end no later than 10.30pm provided that if at 10.30pm there is business not yet dealt with which the committee or sub-committee considers would be more conveniently dealt with on that day rather than on a subsequent day, the meeting may continue until not later than 11.00pm in accordance with the following procedure (which shall be known as “the guillotine procedure”):-
 - (i) the meeting shall identify those items of business to be transacted;
 - (ii) unless the meeting decides otherwise, the items of business so identified will be taken in the order determined by the last procedural

resolution establishing the order of business, or, in the absence of such a procedural resolution, in the order set out in the agenda accompanying the summons for the meeting;

- (iii) members will be permitted to ask questions of officers but will not be allowed to make speeches unless the meeting decides otherwise.
- (d) The Planning Committee may, by majority vote taken no later than 10.30 pm, decide to:-
- (i) fix such time as they may choose for the transaction of business to end provided that no business shall be transacted later than midnight; and/or
 - (ii) disapply the guillotine procedure entirely or fix such later time as they may choose for that procedure to commence.
- (e) Paragraph (c) above shall not apply to:-
- (i) meetings of the Senior Staff Appointment Sub-Committee, the Staff Appeals Sub-Committees, or Schools Disciplinary Sub-Committee;
 - (ii) any meeting dealing with an appeal by a Council tenant or an applicant for or holder of a licence or registration which the Council is empowered to grant or revoke; and
 - (iii) any meeting of a committee called to determine the size and political balance or membership of one or more of its sub-committees or to remove or appoint the Chair or Vice Chair of such a sub-committee.
- (f) Any items not dealt with at the time a meeting closes shall be considered at the next meeting of the same committee or sub-committee or at such earlier meeting of that committee or sub-committee as the Chair shall determine.
- (g) Where a meeting is adjourned to a subsequent day to transact remaining business, the committee or sub-committee shall, notwithstanding that adjournment, have power to deal with the business in question at any earlier meeting on the summons or agenda for which the relevant business is specified.

68. Minutes of Committees and of Sub-Committees

- (a) Minutes of committee and sub-committee meetings shall be prepared in two parts:-
- (i) Part I containing minutes of decisions taken by the committee or sub-committee under powers delegated to it by Full Council; and
 - (ii) Part II containing minutes of recommendations made by the committee or sub-committee to a committee or Full Council.
- (b) The recommendations of each committee or sub-committee meeting as may be contained in Part II of its minutes shall be submitted to the next

Ordinary Meeting of the relevant committee or Full Council (as the case may be) together with a supporting report.

- (c) Minutes of each committee or sub-committee meeting shall be put before the next ordinary meeting of that committee or sub-committee for approval as a correct record. No discussion shall take place upon the minutes except as to their accuracy and as soon as they are approved as a correct record the Chair shall sign them.
- (d) Minutes of each sub-committee meeting shall be submitted to the next ordinary meeting of the relevant parent committee for information.
- (e) Under “Matters Arising from the Minutes” members may seek information on the current position but no motion to vary or rescind the minutes nor any other motion may be permitted.

PETITIONS AND DEPUTATIONS

69. Petitions

- (a) Any person who wishes to submit a petition under these rules on their own behalf or on behalf of an organisation shall deliver it to the office of the Democratic Services Manager during office hours. This must be at least **8 days** before the relevant decision (if the petition concerns a specific decision) is due to be taken.
- (b) No petition shall go forward unless it concerns matters affecting the borough and is signed by at least 5 people, all of whom shall be registered electors in the borough.
- (c) The Democratic Services Manager will establish how many valid signatures the petition has.
- (d) Petitions with between **5 and 50** valid signatures:
 - (i) Any such petition shall be referred to the relevant Service Area or Corporate Director who will be responsible for ensuring that the petition is responded to and taken into account in the decision making process as appropriate;
 - (ii) In the case of any such petitions which relate to a matter which is or could be the responsibility of the Planning Committee the signatures may count as an objection to a development in which case the petition will be considered by the Planning Committee when it considers the matter in question. The Director of Environment shall decide whether the signatures count as an objection.
- (e) Petitions with **50** or more valid signatures:
 - (i) Any such petition shall be notified to the Chairs of the Overview Committee and the Scrutiny Committee and to the relevant Service Area or Corporate Director;
 - (ii) Petitions concerning specific decisions planned to be made shall be referred to the decision maker. If the decision maker is a Council committee or sub-committee or the Executive rather than an individual then one person representing the petitioners will be entitled to address the planned meeting of the Council committee or sub-committee or the Executive (as the case may be) for up to 5 minutes concerning the petition. Petitions relating to specific decisions to be made by Full Council shall be considered by the next scheduled meeting of the General Purposes Committee or if the next meeting of the General Purposes Committee is scheduled to take place after the relevant meeting of the Full Council then it shall be considered by the Executive. The General Purposes Committee or the Executive as the case may be may, if it sees fit, make recommendations concerning that petition to Full Council.

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- (iii) Petitions not concerning specific decisions planned to be made shall be referred to the Executive or to the Council committee or sub-committee (if any) within whose terms of reference the subject matter of the petition falls as determined by the Borough Solicitor or Democratic Services Manager. If it concerns a decision that may be taken at a meeting on some future date then it shall be considered at that future meeting. In all other cases it shall be considered at the next convenient meeting.
 - (f) Where the Executive or a Council committee or sub-committee considers a petition it shall note the petition and may:-
 - (i) make a decision concerning the matter if it has sufficient information before it to do so. This will normally mean an officer's report;
 - (ii) refer it to the Overview Committee or the Scrutiny Committee or one of their sub-committees for consideration;
 - (iii) call for an officer's report to be brought to a future meeting; or
 - (iv) refer it to the relevant officer for a formal response.
 - (g) Where the Overview Committee or the Scrutiny Committee or one of their sub-committees consider a petition referred to it under (f) (ii) above they shall note the petition and may:-
 - (i) call for an officer's report to be brought to a future meeting;
 - (ii) make recommendations to the Executive or the relevant referring committee concerning it; or
 - (iii) refer it to the relevant officer for a formal response.

70. Deputations

- (a) With the exception of the Standards Committee, the Licensing Sub-Committees and the Planning Committee the first 20 minutes of every Council committee or sub-committee meeting (or such shorter time as is required) shall be allocated to receive deputations under this rule which shall be permitted where the following are met:
 - (i) the committee or sub-committee has voted by a simple majority to receive such deputation;
 - (ii) the subject of the deputation is one which is on the agenda of the meeting concerned; and

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- (iii) notice of the deputation has been given to the Democratic Services Manager or his or her representative at least 24 hours before the start of the relevant meeting.
 - (b) In respect of each deputation received, one person representing the deputation will be entitled to address the meeting for up to 5 minutes.

MISCELLANEOUS

71. Inspection of Lands, Premises etc.

Unless specifically authorised to do so by the Council or a committee, a member of the Council shall not issue any order in respect of any works which are being carried out by or on behalf of the Council or claim by virtue of their membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

SEALING AND SIGNING OF DOCUMENTS

72. Custody of Seal

The common seal of the Council shall be kept in a safe place in the custody of the Borough Solicitor and shall be secured by two different locks, the keys or combination of which shall be kept by the Borough Solicitor provided that the Borough Solicitor may entrust the keys or combination temporarily to another officer of the Council.

73. Sealing of Documents

- (a) The Common Seal of the Council shall not be affixed to any document unless the transaction or decision to which the document gives effect is authorised by a person or body in accordance with the Constitution and is confirmed as being so authorised by the Borough Solicitor or a member of his or her staff or a person nominated or authorised by him or her for that purpose.
- (b) The seal shall be attested by the Borough Solicitor or a deputy or other person duly authorised by the Borough Solicitor for that purpose and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the person who has attested the seal.

74 Contracts, agreements or transactions to be in writing and/or under seal

- (a) Contracts, agreements or other transactions exceeding £500,000 in value and any contract or transaction in respect of which there is no consideration must be executed as a deed under seal in accordance with Standing Order 73(b). Deleted: 2
- (b) Any other contract, agreement or other transaction which is:
 - (i) £150,000 in value or more (in money or money's worth); or
 - (ii) relates to land or property

shall be in writing and shall EITHER be executed as a deed under seal in accordance with Standing Order 73(b) OR be signed by a Chief Officer (or his or her deputy) and one other duly authorised officer. Deleted: 2

- (c) Other contracts shall be executed under seal if the relevant Chief Officer or the Borough Solicitor considers that to do so would be in the Council's best interest.
- (d) Contracts below £150,000 shall be in writing or on the Council's official order form and signed in accordance with the Financial Regulations or any relevant financial procedures issued by the Director of Finance.

STANDING ORDERS RELATING TO STAFF

75. Declaration by Candidates

- (a) The Director of Human Resources and Diversity will draw up a statement requiring any candidate for appointment as an officer to disclose any relationship to a councillor or employee of the Council.
- (b) No candidate so related to a councillor or a Chief Officer or the partner of such a person should be appointed without the authority of the Chief Executive.

76. Seeking Support for Appointment

- (a) Any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council shall be disqualified and wording to this effect shall be included in any recruitment information.
- (b) No councillor will seek support for any person for any appointment with the Council nor give a written reference or testimonial for any person for any appointment with the Council.

77. Appointment and Dismissal of Staff not Covered by Standing Order 78

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- (a) Appointment and dismissal of, and taking disciplinary action against, a person appointed to or holding a paid office or employment under the Council (as defined by the Local Authorities (Standing Orders) (England) Regulations 2001) must be discharged, on behalf of the Council, by the Chief Executive or his or her nominee and may not be discharged by councillors. This is subject to paragraph (c) below and except in the case of the posts mentioned in Standing Order 78(b) or in the case of a person appointed in pursuance of section 9 of the Local Government and Housing Act 1989 (assistants for political groups).

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- (b) The persons who have been nominated by the Chief Executive pursuant to paragraph (a) above are those listed in Paragraph 2.4 of Part 4 of the Constitution and persons authorised by them to act on their behalf.

- (c) Members will not be involved in the dismissal of any officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or in accordance with Standing Orders 80 or 81 or where the dismissal is required to be made by members by virtue of any legislative provision or any term or condition of any contract of employment.

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- (d) In the case of the appointment or dismissal of the Director of Human Resources and Diversity the acts required under these Standing Orders Relating to Staff to be done by the Director of Human Resources and Diversity shall instead be done by the Chief Executive or a person nominated by him or her for that purpose.

78. Appointments to Senior Management Posts

- (a) The Director of Human Resources and Diversity shall be consulted on all appointments to posts covered by this Standing Order.
- (b) This Standing Order shall apply to the posts of:-
- (i) the Chief Executive;
 - (ii) any director (or other senior officer) reporting directly or being directly accountable to the Chief Executive;
 - (iii) statutory Chief Officers being:
 - the Chief Education Officer for the purposes of section 532 of the Education Act 1996
 - the Director of Social Services
 - the Chief Finance Officer appointed under section 151 of the Local Government Act 1972;
 - (iv) any officer who, as respects all or most of the duties of his or her post, is required to report directly or is directly accountable to the Full Council itself or any committee or sub-committee of the Authority;
 - (v) the Monitoring Officer;
 - (vi) any assistant director or deputy director reporting directly to a Service Area Director or Corporate Director;
 - (vii) the following other officers:
 - the Head of Revenues and Benefits.
- (c) The posts mentioned in paragraph (b) above may only be created, amended (other than a minor variation) or deleted by the Executive following consideration of a report from the Chief Executive or other officer nominated by him or her setting out the proposed job description and person specification for that post and/or the reasons for the creation, amendment or deletion of the post and any legal or financial or other implications arising therefrom.
- (d) The terms and conditions of any of the posts mentioned in paragraph (b)

above and the grading structure to be applied to them may only be determined by the General Purposes Committee.

- (e) The Chief Executive or another Chief Officer authorised by him or her shall arrange for the post to be advertised in such a way as is likely to bring it to the attention of persons who meet the person specification criteria to apply, and shall arrange for a copy of the job description and person specification to be sent to any person on request. Where no person able to meet the person specification criteria has applied, the post shall be re-advertised as before.
- (f) The posts mentioned in paragraph (b) above may only be appointed to by the Senior Staff Appointments Sub-Committee (*which sub-committee shall include at least one member of the Executive**) save that decisions to renew fixed term contracts in respect of such posts and decisions to offer contracts with no fixed term on the expiry of such fixed term contracts may be made by the Chief Executive or another Chief Officer authorised by him or her.
- (g) The Chief Executive or another officer nominated by him or her may draw up a shortlist of applicants from those applicants that applied for a post and submit it to the Chair of the Senior Staff Appointments Sub-Committee together with copies of all applications received. If the Chair does not concur with the shortlist prepared by the officer, a meeting of the Senior Staff Appointments Sub-Committee shall be held to determine the shortlist. If the Chair does concur then the shortlist prepared by the officer shall stand.
- (h) The Senior Staff Appointments Sub-Committee shall invite for interview all qualified applicants or a short list of qualified applicants drawn up in accordance with (g) above where applicable and the interviews shall be conducted in accordance with the Council's recruitment policies and procedures in place from time to time.
- (i) Following the interviews of candidates for the posts specified in (b) above no offer of appointment shall be made until the following paragraphs have been complied with.
- (j) The Chair of the Senior Staff Appointments Sub-Committee shall notify to the Director of Human Resources and Diversity (or such other appropriate officer) the name of the person to whom it wishes to make an offer together with any other particulars the sub-committee considers are relevant to the appointment.
- (k) The Director of Human Resources and Diversity (or such other appropriate officer) shall forthwith notify to every member of the Executive:
 - (i) the name of the person to whom the sub-committee wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the sub-committee has notified to him or her; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Executive to the Director of Human Resources and Diversity (or such other appropriate officer) and the Chair of the sub-committee.
- (l) The Leader shall within the period specified in the said notice notify the

Director of Human Resources and Diversity (or such other appropriate officer) and the Chair of the Senior Staff Appointments Sub-Committee of any objection which the Leader or any other member of the Executive has to the proposed appointment.

- (m) If no such objection is received by the Director of Human Resources and Diversity (or such other appropriate officer) or the Chair of the Senior Staff Appointments Sub-Committee the Director of Human Resources and Diversity may proceed to offer the appointment to the successful candidate. If an objection is made the Senior Staff Appointments Sub-Committee shall reconvene with, as far as is reasonably possible, the same members to consider the objection and to consider whether to confirm the appointment. If the sub-committee is satisfied that the objection is not material or is not well founded then the Director of Human Resources and Diversity may proceed to offer the appointment to the successful candidate.
- (n) In the case of an appointment to the post of Chief Executive the proposed appointment must be approved at a meeting of the Full Council before an offer of appointment is made.
- (o) Prior to the appointment of any person to any post within section 2(8) of the Local Government and Housing Act 1989 which is not otherwise covered by paragraph (b) above the procedure set out in paragraphs (i) to (m) shall be followed save that any references in those paragraphs to the Senior Staff Appointments Sub-Committee shall be to the relevant appointing officer.

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79. Disciplinary action against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer

- (a) Except as described in paragraph (b) below, no disciplinary action (as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) may be taken in respect of the Chief Executive, Monitoring Officer or Director of Finance other than in accordance with a recommendation contained in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- (b) The Chief Executive, Monitoring Officer and Director of Finance may be suspended for the purpose of investigating the alleged misconduct occasioning the action. That suspension will be on full pay and will last no longer than two months from the date it took effect.

80. Dismissal from Senior Management Posts

- (a) Any proposal to dismiss a person from any of the posts mentioned in Standing Order 78(b) or (c) shall be notified to the Director of Human Resources and Diversity together with any other particulars that the person or body proposing the dismissal considers are relevant to the dismissal and no notice of dismissal shall be given unless the following paragraphs have been complied with.
- (b) The Director of Human Resources and Diversity shall forthwith notify to every

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member of the Executive:-

- (i) the name of the person whom it is intended to dismiss;
 - (ii) any other particulars relevant to the dismissal which have been notified to the Director of Human Resources and Diversity; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader of the Executive on behalf of the Executive to the Director of Human Resources and Diversity.
- (c) The Leader shall within the period specified in the notice from the Director of Human Resources and Diversity notify the person or body proposing the dismissal and the Director of Human Resources and Diversity of any objection which the Leader or any other member of the Executive has to the proposed dismissal.
- (d) If no such objection is received by the Director of Human Resources and Diversity or the person proposing the dismissal the Director of Human Resources and Diversity may proceed to give notice of the dismissal to the employee. If an objection is made the person or body proposing the dismissal shall consider whether to proceed with the dismissal. If satisfied that the objection is not material or is not well founded then the Director of Human Resources and Diversity may proceed to give notice of the dismissal to the employee.
- (e) In the case of the dismissal of the Chief Executive the proposed dismissal must be approved at a meeting of Full Council before notice of dismissal is given.

81. Staff Appeals Against Dismissal

Appeals by members of staff against dismissal for misconduct shall be heard by the Staff Appeals Sub-Committees.

82. Political Assistants

An appointment of an assistant to a political group pursuant to section 9 of the Local Government and Housing Act 1989 shall be made in accordance with the wishes of that political group and in accordance with the provisions of that Act and any other applicable legislative provision.

CONTRACT STANDING ORDERS

83. Definitions

The following definitions shall apply throughout these Contract Standing Orders:

Approved List	A list of contractors that meet the Council's minimum financial and technical criteria for specified types of services, supplies or works contracts.
Chief Officer	The officers defined as such in Standing Order 7(c) being the Chief Executive, Service Area Directors and Corporate Directors.
Contract Officer Register	The officer appointed to maintain the contract register.
Contract Value or Estimated Value	The contract's value or estimated value for the contract term excluding VAT.
European Procurement Legislation	The relevant EU Directives and corresponding UK Regulations including: Directives 92/50/EEC (services), 93/36/EEC (supplies) and 93/37/EEC (works); The Public Services Contracts Regulations 1993; The Public Supply Regulations 1995; The Public Works Regulations 1991; as amended or replaced from time to time.
Framework Agreement	A contractual agreement for the provision of services, supplies or works on a call-off basis for an agreed term at a guaranteed price.
High Value Contract	In the case of contracts for supplies or services a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of more than £500,000 or in the case of a contract for works a contract with an estimated value of more than £1,000,000 or a PFI contract.
Medium Value Contract	In the case of contracts for services or supplies a contract with an estimated value over the life of the

	contract (including any period of extension(s) anticipated by the contract) of between £150,000 and £500,000 or in the case of a contract for works a contract with an estimated value of between £150,000 and £1,000,000.
Member	An elected member of Brent Council.
Monitoring Officer	The Borough Solicitor.
Official Order	An order for services, supplies or works to the Council issued by an authorised officer using the Council's official order form.
Low Value Contract	A contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between £20,000 and £149,999 over the term of the contract.
Tender	An offer or bid or tender from a party to provide services, supplies or works to the Council including any offer, bid or tender which is subject to negotiation.
Tender Acceptance	An acceptance in writing of a tender, bid or offer.

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84 Contracts exempt from Contract Standing Orders

The following contracts are exempt from Contract Standing Orders:-

- (a) individual agency contracts for the provision of temporary staff;
- (b) employment contracts;
- (c) contracts relating to an interest in land.

85. General Requirements

- (a) Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions AND shall be procured in accordance with all relevant domestic and European legislation and unless for good operational and/or financial reasons the Executive (or, if appropriate, the General purposes Committee) agrees otherwise with these Contract Standing Orders and the Council's Financial Regulations.

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- (b) Chief Officers shall ensure in undertaking any contract procurement that:-
- (i) fair, transparent and auditable processes are followed at all stages;
 - (ii) tender exercises are conducted appropriate to the nature of the contract being procured;
 - (iii) all tenderers are treated equally and fairly; and
 - (iv) these Contract Standing Orders are complied with.
- (c) Contract tendering procedures are contained in the Council's Contract Procurement and Management Guidelines which shall be updated and amended from time to time to comply with these Contract Standing Orders. Advice on any of the requirements of these Contract Standing Orders shall be sought from the Borough Solicitor or Director of Finance as appropriate.
- (d) For the avoidance of doubt these Contract Standing Orders apply to:-
- (i) the appointment of consultants; and
 - (ii) Framework agreements.
- (e) Subject to paragraph (a) above, all medium and high value contracts shall be entered into and procured in accordance with the formal tendering procedures set out in these Standing Orders.

86. Consortia purchasing arrangements

No consortia purchasing arrangements may be entered into unless approved by the Borough Solicitor and the Director of Finance.

87. Contracts not subject to full tendering requirements

- (a) Certain contracts as set out in this Standing Order listed below, are not subject to the full tendering requirements of these Contract Standing Orders but are subject to any other relevant parts thereof.
- (b) No formal tendering procedures apply to Low Value Contracts except that at least three written quotes must be sought and the quotes sought and/or obtained shall be recorded.
- (c) Subject to complying with any relevant parts of the European Procurement Legislation tenders need not be invited:
- (i) where for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the services, supplies or works may only be provided by a particular provider or where there is only one provider who would be able to provide the services, supplies or works

required PROVIDED that advice is sought from the Borough Solicitor and in the case of High Value Contracts approval is sought from the Executive (or, if appropriate, the General Purposes Committee); or

- (ii) in cases of extreme urgency where there is an immediate danger to life or limb or property and only to the extent necessary to procure services, supplies or works necessary to deal with the immediate urgent situation PROVIDED that advice is sought from the Borough Solicitor; or
- (iii) for contracts providing individual personal services such as individual care arrangements or individual special educational needs provision and for the avoidance of doubt this exemption does not apply to any framework agreements or call off contracts that will facilitate the award of individual contracts providing such personal services.

88 Provision of goods and services by the Council

The Local Authorities (Goods and Services) Act 1970 (“the Act”) provides that local authorities may enter into contracts to provide goods and services to public bodies defined as such by the Act. Authority to enter into such arrangements must be agreed by the Executive (or if appropriate the General Purposes Committee) where the contract value would be £150,000 or more in value over the term of the contract and in all cases advice shall be sought from the Borough Solicitor and the Director of Finance.

89 Authority to go out to tender and enter into contracts

- (a) Chief Officers have delegated to them power to invite expressions of interest, agree shortlists, invite tenders, negotiate, award, and terminate contracts in accordance with paragraph 2.5, of Part 4 of this Constitution. No individual Member may enter into a contract on the Council’s behalf.
- (b) Where approval to invite expressions of interest is required from the Executive (or if appropriate the General Purposes Committee) the Executive or the General Purposes Committee as the case may be shall receive and consider a report setting out the pre-tender considerations specified in Standing Order 90 and shall give such approval or approvals as it considers necessary.
- (c) Where approval to award, or terminate a contract is required to be obtained or is in any event sought from the Executive (or the General Purposes Committee), the Executive or the General Purposes Committee as the case may be shall receive and consider a report setting out all relevant information necessary to enable it to give such approval or approvals as it considers necessary.

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90. Pre-Tender Considerations

In procuring any contract Chief officers shall, where appropriate, consider the following matters prior to inviting tenders:

- (i) the nature of the services, supplies or works contract to be tendered;
- (ii) the estimated value;
- (iii) the contract term and any period of extension(s) anticipated by the contract;
- (iv) the tender procedure to be adopted;
- (v) the procurement timetable;
- (vi) the evaluation criteria and process;
- (vii) any business risks associated with entering the contract;
- (viii) the Council's Best Value duties;
- (ix) any staffing implications including TUPE and pensions; and
- (x) the relevant financial, legal and other considerations.

91. Estimated contract value

Chief Officers shall ensure that an estimated contract value is prepared and recorded prior to commencement of a tender exercise. Such estimate shall be calculated on the basis of the value of the contract over the life of the contract including any period of extension(s) anticipated by the contract whether or not a one off service, supply or work. Where a contract has no fixed term the value of the contract shall be calculated as if the term of that contract was 48 months.

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92. Small Lots

The estimated value of contracts split into lots shall be calculated using the total value of all lots. Contracts must not be split into lots to avoid competitive tendering.

93. Procurement by consultants

Where consultants are appointed to undertake tendering on the Council's behalf they shall be instructed to comply with Contract Standing Orders and to refer to the Contract Procurement and Management Guidelines as appropriate. No consultant shall make a decision as to whom to award a contract nor enter into contracts on the Council's behalf. Appropriate arrangements shall be implemented to monitor any procurement managed by consultants.

94. Appointment to the Evaluation Panel

For High Value Contracts the Borough Solicitor and the Director of Finance shall, if he/she considers it appropriate, be part of or appoint a representative to the evaluation panel or shall advise the panel as he/she sees fit.

95. Prior Information Notice

Chief Officers should ensure that a Prior Information Notice is published in OJEC (the Official Journal of the European Community) as soon as possible after the commencement of each financial year detailing the intended total procurement for the year for services, supplies and works contracts to be tendered which are subject to European Procurement Legislation.

96. Inviting Tenders for Contracts Subject to Full EU Rules

Where a services (Part A services), supplies or works contract is above the EU threshold then tenders shall be invited in accordance with European Procurement Legislation using the open, restricted or negotiated procedure.

97. Contracts for Part B Services and Contracts not Subject to EU Rules

(a) Where a contract is for a Part B service or is below the EU threshold then tenders shall be invited in accordance with:-

- (i) any requirements in the European Procurement Legislation relating to Part B Services if appropriate;
- (ii) these Contract Standing Orders; and
- (iii) the requirements of either (b) or (c) below.

(b) Single Stage Tender

Tenders shall be invited by way of public notice published in at least one local newspaper and at least one relevant trade journal stating the nature of the contract being tendered and stating the last date when tenders will be accepted which shall not normally be less than 21 days after the date that the notice was first published. The estimated value of the contract may also be included.

(c) Two-Stage Tender

- (i) Expressions of interest shall be invited by public notice in at least one local newspaper and at least one relevant trade journal stating the nature of the contract being tendered and stating the last date when expressions of interest will be accepted which shall not normally be less than 21 days after the date that the notice was first published.
- (ii) Persons or bodies wishing to express an interest shall be sent a pre-qualification questionnaire to be completed and returned to the Council by the date specified in the notice.
- (iii) The response to the pre-qualification questionnaire shall be used to evaluate whether the person or body meets the Council's minimum technical capacity and financial standing requirements and has relevant experience, and whether they should be included in a shortlist.
- (iv) Tenders shall be invited from those persons or bodies who have been included in the shortlist.

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98. Approved List

The Council does not currently operate a corporate Approved List. If and when an Approved List does come into effect then these Contract Standing Orders shall be amended to include rules on how that list shall be compiled, used, monitored and reviewed.

99. The Invitation to Tender

(a) The invitation to tender shall include the following details:-

- (i) a description of the services, supplies or works being procured;
- (ii) whether the Council is of the view that TUPE will apply;
- (iii) the tender timetable including the tender return date and time, which must allow a reasonable period for applicants to prepare their tenders;
- (iv) a specification and instructions on whether any variants are permissible;
- (v) the Council's terms and conditions of contract;
- (vi) the evaluation criteria including any weightings;
- (vii) pricing schedules, if appropriate, and instructions for completion;
- (viii) whether the tenderer is required to price separately if the tenderer were required to offer a comparable pension and/or parent company guarantee and/or a performance bond.
- (ix) form and contents of method statements, if any, to be provided;
- (x) statement requiring tenderers to submit their tender submission in hard copy and the location to which that submission must be returned,
- (xi) whether or not tenderers may submit all or any of their tender submission electronically in addition to the hard copy provided under (x) above and if so, the electronic address where it should be sent; and
- (xii) any further information which will inform or assist applicants in preparing their tenders.

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(b) The invitation to tender shall state that no tender will be considered unless contained in a plain sealed envelope and endorsed "Tender" followed by the subject to which it relates AND shall specify whether and, if so, to what extent the terms of the contract or any part specified will be subject to negotiation between the parties.

100. Form of Tender

(a) All tenders shall be required to be submitted on the Council's form of tender which shall include the following details:

- (i) a statement that the Council will not be bound to accept any tender;

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- (ii) a section where the tenderer shall state whether their tender is priced on the basis of TUPE applying or not;
 - (iii) except in the case of the negotiated contracts, a statement that formal acceptance of the tender by the Council will, until such time as a written contract can be executed, bind the parties into a contractual relationship; and
 - (iv) the price and whether this would be different if the tenderer were to offer a comparable pension and/or a parent company guarantee and/or a performance bond.
- (b) No tender shall be considered unless it is contained in a plain sealed envelope and endorsed "Tender" followed by the subject to which it relates.

101. Receipt and Opening of Tenders

The Receipt and openings of tenders shall be conducted as follows:

- (a) All High Value Contract tenders shall be addressed to the Council's Democratic Services Manager and the tender shall remain in the custody of the Democratic Services Manager until the time appointed for its opening.
- (b) High Value Contract tenders shall be opened and tender details recorded by an authorised representative of the Democratic Services Manager and at least one other officer.
- (c) Medium Value Contract tenders shall be addressed to the relevant Chief Officer and the tender shall remain in the custody of the Chief Officer until the time appointed for its opening.
- (d) Chief Officers and the Democratic Services Manager shall make appropriate arrangements for the receipt, storage and opening of tenders by an officer of appropriate seniority which ensures that each tenderer is treated fairly and equally and ensures probity.

102. Late Tenders

Late tenders shall not be considered except in special circumstances and only then if no other tenders have been opened and only with the prior written approval of the Chief Executive or the Monitoring Officer on receipt of a written request specifying the special circumstances and why acceptance of a late tender is justified. Any written approval shall be kept with the record of tenders received. Except in these cases any envelope containing a late tender will be opened for the sole purpose of identifying the applicant and will be returned to them immediately.

103. Record of Tenders and Contracts

The relevant Service Area Director shall maintain a record of all tenders invited and received by them and of all contracts entered into on behalf of the Council and shall record the reasons for non-acceptance of a tender or the

rejection of a contractor who has not been included in a tender short list or Approved List.

104. Tender Evaluation

- (a) Tenders subject to European Procurement Legislation shall be evaluated in accordance with the relevant regulations and the instructions to tender. All other tenders shall be evaluated in accordance with the criteria and procedures set out in the invitation to tender. In both cases tenders shall be evaluated in accordance with these Standing Orders save where there is a conflict with any European Procurement Legislation in which case that legislation shall prevail.
- (b) Tenders for all contracts (except works contracts where lowest price was pre-determined to be the appropriate criteria) shall be evaluated and awarded on the basis of the most economically advantageous offer to the Council.

105. Departure from Tender Documents

- (a) Subject to paragraph (b) below where the Council has included non-negotiable terms and conditions with its instructions to tenderers then tenders may only be accepted on those terms unless any revisions are notified to all tenderers prior to the tender return date.
- (b) Where contract terms and conditions are non-negotiable then no variations to them may be made after tenders are received without the prior written approval of the Borough Solicitor.
- (c) Post tender negotiations are only permissible where the instructions to tender specified the areas to be subject to negotiation and in the case of contracts which are subject to European Procurement Legislation only where the contract was advertised pursuant to the EU negotiated procedure. In all other cases only clarification points or ambiguities may be raised with tenderers.

106. Bonds and Guarantees

Chief Officers shall ensure that sufficient security for the due performance of High Value Contracts is taken and for other contracts where such security is considered be in the best interests of the Council.

107. Tender Acceptance

Tender acceptance shall be communicated to the successful tenderer as soon as possible and where possible within 5 working days of the decision being made in writing detailing as a minimum the date of the decision and the decision-maker.

108. Contract Award Notice

Chief Officers shall ensure that a contract award notice is published in OJEC within 48 days of the award of any contract where required by European Procurement Legislation.

109. Letters of Intent

Letters of intent shall only be used as follows:

- (a) where the Council's form of tender has not included a statement that until such time as a formal contract is executed the Council's written acceptance of a tender shall bind the parties into a contractual relationship; or
- (b) exceptionally where a contractor is required to provide services, supplies or works prior to written acceptance by the Council and only then with the prior written approval of the Monitoring Officer.

110. Contracts Register

A register of all contracts placed by the Council to the value of £150,000 or more over the term of the contract shall be maintained by the Contract Register Officer. Such register shall for each contract specify the name of the relevant Council's Service Unit, the contractor, the services, supplies or works to be provided, the contract value and contract term and where relevant any provisions for extension. Details of all such contracts awarded shall be reported to the Contract Register Officer within one month of award and in the required format.

111. Contract Terms and Conditions

Chief Officers shall ensure that contracts are drafted as appropriate to the nature of the services, supplies or works to be provided and contain provisions to protect the Council's overall interest. Advice shall be sought from the Borough Solicitor as appropriate.

112. Extension and Variation of Contract

- (a) Contracts subject to European Procurement Legislation may be extended in compliance with relevant legislative provisions. Contracts may be extended in accordance with the provisions for extension contained in the contract if the parties agree and if the relevant Chief Officer is satisfied that the extension will achieve best value and is reasonable in all the circumstances. Any such extension that will last for more than one year shall be notified to the Borough Solicitor and the Director of Finance. All extensions (of any duration) shall be notified to the Contracts Register Officer.
- (b) Retendering of contracts shall be timetabled to ensure handovers can be effected at the end of the contract term. Where any retendering is delayed or is unsuccessful then temporary arrangements may be agreed by the relevant Chief Officer.
- (c) Any temporary contractual arrangements necessary to cover periods between a contract expiring and a new contract commencing shall be kept to a

minimum term possible and retendering shall be commenced or recommenced as soon as is reasonably possible.

- (d) Chief Officers have delegated to them power to extend, vary or renegotiate contracts in accordance with paragraph 2.5 of Part 4 of this Constitution. Where approval to extend, vary or renegotiate a contract is required to be obtained or is in any event sought from the Executive (or the General Purposes Committee) the Executive or the General Purposes Committee as the case may be shall receive and consider a report setting out all relevant information necessary to give such approval or approvals as it considers necessary.

113. Early Termination of Contract

High Value Contracts may only be terminated by the Executive. Medium Value Contracts may only be terminated:

- (a) by agreement between the Council and the Contractor; or
- (b) in accordance with the termination conditions of the contract

and provided that in either case the financial and legal implications or other relevant circumstances have been taken into account.

Part 1(Definitions)

- The **Policy Framework** means (for the time being) the following plans, policies and strategies:
 - Annual Library Plan;
 - Best Value Performance Plan;
 - Children’s Services Plan;
 - Community Care Plan (*may be replaced by the Health Improvement and Modernisation Plans in future years*);
 - Community Strategy;
 - Crime and Disorder Reduction Strategy;
 - Unitary Development Plan;
 - Early Years Development Plan;
 - Education Development Plan;
 - Interim Local Implementation Plan for the Mayor’s Transport Strategy;
 - Youth Justice Plan;
 - The strategy and plan which comprise the Housing Investment Programme;
 - Local Agenda 21 Strategy;
 - Adult Learning Plan;
 - Quality Protects Management Action Plan;
 - Corporate Strategy;
 - The Annual Policy Programme of the Executive;
 - Annual Investment Strategy; and
 - Statement of Licensing Policy.

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Part 2, Article 4.1

Article 4 – Full Council

Introduction

Full Council will agree the Policy Framework and the Budget. Full Council is also required to determine certain other matters (see below) which, by law or this Constitution may only be determined by Full Council.

The Policy Framework

- 4.1 The Council’s Policy Framework currently means the following plans, policies and strategies:-
- Annual Library Plan;
 - Best Value Performance Plan;
 - Children’s Services Plan;
 - Community Care Plan (*may be replaced by the Health Improvement & Modernisation Plans in future years*);

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- Community Strategy;
 - Crime and Disorder Reduction Strategy;
 - Unitary Development Plan;
 - Early Years Development Plan;
 - Education Development Plan;
 - Interim Local Implementation Plan for the Mayor's Transport Strategy
 - Youth Justice Plan;
 - The strategy and plan which comprise the Housing Investment Programme;
 - Local Agenda 21 Strategy;
 - Adult Learning Plan;
 - Quality Protects Management Action Plan;
 - Corporate Strategy;
 - The Annual Policy Programme;
 - Annual Investment Strategy; and
 - Statement of Licensing Policy

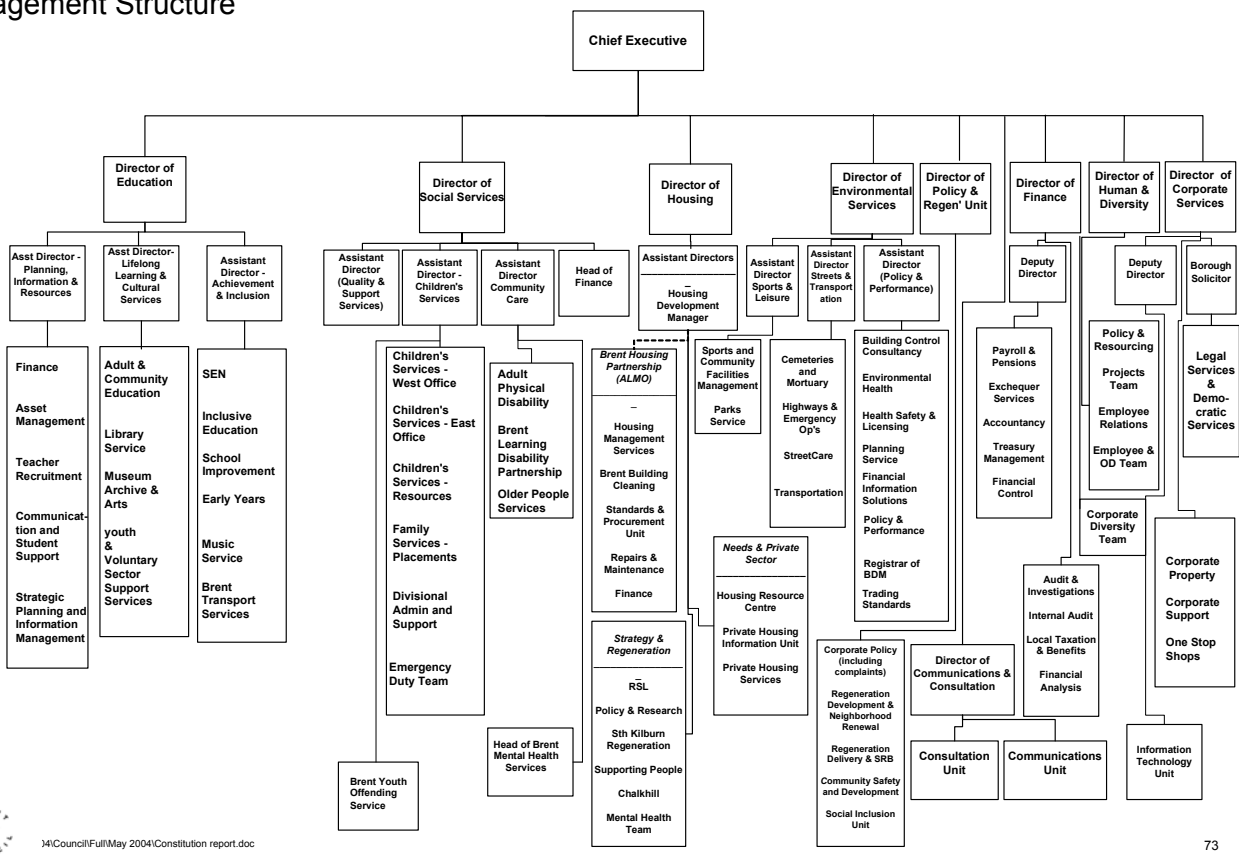
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Brent Council Management Structure



Private Sector Housing Forum

10.26 To raise and/or respond to issues and concerns and to make representations and recommendations to the Executive and relevant Council Committees or Sub-Committees (including Overview and Scrutiny) concerning:

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(a) the development of policies and procedures in consultation with users which promote and report the availability of good quality owner occupied in rented accommodation in the private sector; ▼

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(b) topics of general interest on Private Sector Housing; ▼

Deleted: strategies to promote and support the availability of good quality secure rented accommodation in the private sector.

(c) performance of services offered to elderly and disabled people; ▼

Deleted: and any charges made for these services.

(d) any other matters affecting residents and stakeholders involved in the provision of residential accommodation in the Private Sector in the Borough. ▼

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Part 2, Article 14.6

The Forward Plan

14.6 A Forward Plan shall be prepared by the Democratic Services Manager on behalf of the Leader to cover a period of four months and will be updated and republished on a monthly basis. The Forward Plan will contain matters which the Leader has reason to believe will be the subject of a Key Decision to be taken by the Executive, a committee of the Executive, officers or under joint arrangements in the course of the discharge of an executive function.

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Article 1.9:

1.9 Adoption:

The Constitution will be adopted by Full Council. Any changes to the Constitution which are, in the reasonable opinion of the Borough Solicitor, minor or are necessary to remove any inconsistency or ambiguity or are required to be made so as to comply with any statutory provision or ministerial direction may be made by the Borough Solicitor and shall come into effect on the date specified by him or her. Any changes to Standing Orders shall, unless they are minor variations, be referred to Full Council for approval within a reasonable period and shall continue to have effect only if Full Council so agrees.

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Standing Order 3:

3. Variation and Revocation Of Standing Orders:

These Standing Orders may only be varied or revoked at a meeting of Full Council unless in the reasonable opinion of the Borough Solicitor a variation is a minor variation 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 in which case such variation may be made by the Borough Solicitor. Any such variation made by the Borough Solicitor 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. Any variation or revocation agreed by Full Council shall come into effect at the close of the meeting of Full Council at which the variation or revocation is adopted or approved.

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20. Appointment of Co-opted Members To Overview and Scrutiny Committees

(a) The Membership of the Overview Committee, the Scrutiny Committee, the Life Long Learning Scrutiny Panel and any other Council Committee or Sub-Committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the Executive shall include as voting co-opted members, 2 parent governor representatives, 1 representative, nominated by the Diocesan Board of Education for any Church of England Diocese which falls within the Council's area and 1 representative nominated by the bishop of any Roman Catholic Diocese which falls within the Council's area and such representatives shall be appointed by the appropriate appointing body.

(b) The term of office of the parent governor voting co-optees appointed under paragraph (a) of this Standing Order shall be 3 years (or less if otherwise so determined by Full Council).

(c) The Membership of the Overview Committee, the Scrutiny Committee, the Life Long Learning Scrutiny Panel and any other Council Committee or Sub-Committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the Executive may include 2 non voting co-opted members who represent the governing bodies of schools which are faith schools not covered in paragraph (a) above and such representatives shall be appointed by the appropriate appointing body.

(d) A co-opted member appointed under this Standing Order shall be entitled to receive all papers and take part in the entire discussion that takes place at a meeting of the relevant committee or sub-committee and voting co-opted members shall be entitled to vote on any question which falls to be decided at the meeting and which relates to any education functions which are the responsibility of the Executive as determined by the Borough Solicitor or his or her representative.

(e) Voting co-opted members appointed under this Standing Order shall sign an undertaking agreeing to be bound by the Brent Members Code of Conduct and shall register any interests which by that Code they are required to so register in the Register of Member Interests. Non-voting co-opted members appointed under this Standing Order shall sign an undertaking in a form notified to them by the Borough Solicitor.

(f) No co-opted member shall take their place on the committee or sub-committee to which they have been appointed unless and until they have given the undertaking required to be given in accordance with paragraph (f) above.

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(g) If a voting co-opted member fails or refuses to notify the Democratic Services Manager of any change to the information contained in the Register of Member Interests within a period of 28 days of the occurrence of the change, he or she shall be removed from any committee, sub-committee or joint committee to which he or she has been appointed.

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46. Rules Of Debate For Meetings of Full Council

- (a)* *Any motion or amendment to a motion may be moved without notice but must relate to an item of business specified in the summons for the meeting.*
- (b) Each amendment shall relate to the subject matter of the motion and shall not have the effect of negating the motion.
- (c) Motions or amendments to motions shall not be open to debate until formally moved.
- (d) Motions and amendments to motions which have not been circulated in advance of the meeting shall be read aloud before they are open to debate.
- (e) Procedural motions shall be put to the vote without discussion, provided that the Mayor may, in his or her absolute discretion, allow or require the proposer to give (for such brief period as the Mayor may allow) reasons for proposing the motion.
- (f) A member shall stand when speaking and shall address the Mayor. If two or more members rise the Mayor shall call on one to speak.
- (g) Speeches shall be directed to the matter under discussion or to a personal explanation or to a point of order.
- (h) No speech shall exceed three minutes except where otherwise provided in these Standing Orders or by the consent of Full Council and except for a Chair or the Leader replying to a debate whose speech shall not exceed five minutes. Any motion or amendment to a motion shall be put within the time allowed for the speeches.
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(Appendix 10 to follow separately)

Appendix 10

Appendix 11

41. Report from the Executive

(b) *The Leader or other member(s) of the Executive shall be allowed up to 20 minutes to report to Full Council on any matter which is the responsibility of the Executive including all or any of the following matters:-*

(i) **Changes to Annual Policy Programme:**

Any changes recommended to be made to the Annual Policy Programme;

(ii) **Reports to be discussed at a First Reading Debate:**

Any initial report to be debated at a First Reading Debate in accordance with Standing Order 45, including the initial report on the annual budget;

(iii) **Policy proposals referred to Full Council for approval following a First Reading Debate:**

Any proposed plan, policy or strategy which has been through a First Reading Debate and which is being presented by the Executive to Full Council for approval, the views (if any) of the Overview Committee and the way in which those views were taken into account by the Executive;

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

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

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

Any decisions which the Executive have purported to take or are minded to take which, in the reasonable opinion of the Monitoring Officer or the Director of Finance 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 27;

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

Any decisions which the Executive have 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 16 (to include the reasons for urgency);

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

Any decisions which were not included in the Forward Plan but were taken by the Executive under the urgency provisions in Rules 38 and 39 of the Access to Information Rules and the reasons for such urgency;

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

Any decisions which were called in for scrutiny and which were implemented under the urgency provisions in Standing Order 15(a) prior to consideration of the decision by the Forward Plan Select Committee or the Life Long Learning Scrutiny Panel as the case may be and the reasons for urgency;

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

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

(x) **The response of the Executive to comments received:**

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

(xi) **The Response of the Executive to Items Selected by Non Executive Members**

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The Executive's response to any items raised by Non Executive Members under Standing Order 40; and

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

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54 Appointments to Council Committees and Sub-Committees

- (h) Full Council may appoint such Council committees as it is required or permitted to appoint, such committees to be set out in Part 5 of the Constitution, together with their terms of reference and the number of members to be appointed.
- (i) Chairs and Vice Chairs of the Overview Committee and the Scrutiny Committee shall be appointed by the members of those committees except as prescribed by Standing Order 19(d). In all other cases, Full Council shall, appoint a Chair for each of the Council Committees and if it so wishes a Vice Chair.
- (j) Full Council may at any time dissolve a committee or remove any of its members or change the size of its membership.
- (k) Full Council shall determine the extent to which any functions may be exercised by any sub-committee and the terms of reference will be set out in Part 5 of the Constitution.
- (l) Appointment of the Council’s sub-committees and agreeing the number of members to be appointed shall be by the parent committee and the Chair and (if considered necessary) Vice Chair of the sub-committees shall be appointed by the parent committee.
- (m) No member may be appointed to any committee or sub-committee so as to hold office later than the next Annual Meeting or until the Special Meeting of Full Council which meets after the next Annual meeting to agree appointment to committees except as set out in standing order 55(b) below.
- (n) Co-opted members may be appointed to committees and sub-committees in accordance with the rules for membership for committees and sub-committees contained in Part 5 of the Constitution.

55. Independent Members

- (a) The Full Council shall appoint 2 Independent Members to its Standards Committee one of whom shall be appointed as Chair.
- (b) The Independent Members shall hold office for up to two years or until the date of the Annual Meeting nearest to the expiry of that two year period (or until the date of the Special Meeting convened pursuant Standing Order 36). Such appointments shall be subject to confirmation by Full Council at each Annual Meeting that follows the appointment (or at the Special Meeting convened pursuant to Standing Order 36 as the case may be).
- (c) No Independent Member appointed by Full Council shall be entitled to act as an Independent Member until they have delivered to the Monitoring Officer a signed undertaking agreeing to be bound by the Brent Members Code of

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Conduct and shall register any interest which by that Code they are required to so register in the Register of Member Interests.

- (d) The Independent Members shall not take their place on the Standards Committee unless and until they have given the undertaking required to be given in accordance with paragraph (c) above.
- (e) If the Independent Members fail or refuse to notify the Democratic Services Manager of any change to the information contained in the Register of Member Interests within a period of 28 days of the occurrence of the change, he or she shall be removed from the Standard Committee.

15. Restrictions on the power of the Executive to make or implement decisions

(a)* **Decisions Called In:**

Any decision in respect of an Executive Function which has been called in pursuant to Standing Order 21 shall not be implemented except in accordance with the procedure set out in Standing 21.

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Deleted: prior to the date that the decision maker receives notification of the call in from the Democratic Services Manager then that decision shall not be implemented until the Forward Plan Select Committee or in the case of call-ins relating to education matters the Life Long Learning Scrutiny Panel has met to consider the decision in accordance with Standing Order 21 (call in) PROVIDED that the meeting takes place within 15 days of the date on which the decision was made (or in the case of an officer decision the date on which the record of the decision was made publicly available) or such longer period determined by the Leader or Democratic Services Manager in accordance with Standing Order 21 (a) unless the decision, in the reasonable opinion of the Chair of the Overview Committee, needs to be implemented as a matter of urgency and should not be delayed. The Executive shall report to the next ordinary meeting of Full Council details of any such decisions so implemented and the reasons why the decision needed to be implemented as a matter of urgency.¶

21. Call in of Executive decisions

(e) If:-

- (i) the Scrutiny Committee decides; or
- (ii) at least 40% of the members of the Scrutiny Committee (including voting co-opted members if the decision relates to any education function of the Executive) request; or
- (iii) 40% of the non-executive members of the Council (for the avoidance of doubt excluding voting and non-voting co-opted members) request

that any decision of the Executive or its committee(s) or any Key Decision made by officers be called in for scrutiny then the Forward Plan Select Committee (or in the case of an education matter the Life Long Learning Scrutiny Panel) 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 Executive or its committee(s) take place within 15 days of the date on which the relevant decision was made or in the case of an officer decision take place within 15 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. This period will be extended by the Democratic Services Manager as appropriate to take account of any public or religious holidays identified in the Municipal Calendar.

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- (f) Any such decisions or requests to call in a decision shall be made within 5 days of the date on which the relevant decision was made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. Any request to call-in shall be made in accordance with Standing Orders 5 and 6.

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(c) Any decision which has been called in pursuant to paragraph (a) above which has not been implemented prior to the date on which the decision maker receives notification of the call in from the Democratic Services Manager shall not be implemented until the Forward Plan Select Committee (or in the case of call ins relating to education matters the Life Long Learning Scrutiny Panel) has met to consider the decision in accordance with paragraph (a) unless the decision, in the

reasonable opinion of the Chair of the Overview Committee, needs to be implemented as a matter of urgency and should not be delayed. The Executive shall report to the next ordinary meeting of Full Council details of any such urgent decisions and the reasons why the decision needed to be implemented as a matter of urgency.

(d) In considering the call-in the Forward Plan Select Committee (or in the case of an education matter the Life Long Learning Scrutiny Panel) shall determine whether it accepts any response which may have been given to it by the relevant decision maker and if it does not accept their response it can, in respect of that decision, agree recommendations to be given to the decision maker.

(e) If the Forward Plan Select Committee (or in the case of an education matter the Life Long Learning Scrutiny Panel) recommends to the decision maker that it should reconsider the decision or matter then

(i) in the case of a decision made by the Executive the Executive shall meet and shall take into account the views expressed or recommendations made to it and may then proceed to implement or change the decision as it sees fit, whether or not the matter is referred to Full Council for further consideration under Standing Order 22; or

(ii) in the case of a key decision made by an officer, the officer who made the key decision shall take into account the views expressed or recommendations made to him or her and may then proceed to implement or change the decision as he or she sees fit, whether or not the decision is referred to Full Council for further consideration under Standing Order 22.

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TABLE 5

PROPER AND STATUTORY OFFICER PROVISIONS

The following definitions are used in this Table:-

LGA 1972	=	Local Government Act 1972
LG(MP)A 1976	=	Local Government (Miscellaneous Provisions) Act 1976
RPA 1983	=	Representation of the People Act 1983
LGFA 1988	=	Local Government Finance Act 1988
LGHA 1989	=	Local Government and Housing Act 1989
LGA 2000	=	Local Government Act 2000

*Chief Officers also have power delegated to them in the table found at paragraph 2.5 of this Part 4 to designate proper officers falling within their area of responsibility.

The following officers and their deputies or person nominated by them for the purpose shall be the proper officer for the purpose specified:-

<i>(1) statutory provision</i>	<i>(2) Function</i>	<i>(3) Proper Officer</i>
Section 83 LGA 1972	Witness and receipt of declarations of acceptance of office of Mayor, Deputy Mayor and Councillors.	Democratic Services Manager
Section 84 LGA 1972	Receipt of notice of resignation of office of Mayor, Deputy Mayor and Councillors.	Democratic Services Manager
Section 88 LGA 1972	Convening of meeting for the election of Mayor in the event of a casual vacancy.	Democratic Services Manager
Section 89 LGA 1972	Receipt of notice of casual vacancies in the council membership.	Democratic Services Manager

Section 100 LGA 1972	All references to proper officer in connection with the access to information provisions of the Local Government Act.	Democratic Services Manager
Section 115 LGA 1972	Receipt of monies from accountable officers.	Director of Finance
Section 146 LGA 1972	Certificates as to securities on alteration to local authority area or name.	Borough Solicitor
Section 151 LGA 1972	Officer with responsibility for the council's financial affairs.	Director of Finance
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders.	Democratic Services Manager
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of any such document.	Borough Solicitor
Section 233 LGA 1972	Receive documents required to be served on the Council.	The Chief Executive or the Borough Solicitor
Section 234(1) LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue.	All officers specified in paragraph 2.3 of this Part 4.
Section 238 LGA 1972	Certification of printed copies of by-laws.	Borough Solicitor.

Section 41 LG(MP)A 1976	Certification of Minutes, Resolutions, Orders and Reports of the council.	Democratic Services Manager.
Section 35 RPA 1983	The Returning Officer at an election of Councillors of the borough.	Chief Executive.
Section 8 RPA 1983	The Electoral Registration Officer of any constituency in the borough.	Electoral Services Manager.
Section 72 Weights and Measures Act 1985	Functions of Chief Inspector of Weights and Measures.	Director of Trading Standards.
Section 114 LGFA 1988	Report to Council concerning unlawful expenditure.	Director of Finance.
Section 2 LGHA 1989	Deposit of list of "politically restricted posts" under LGHA 1989.	Director of Human Resources and Diversity.
Section 4 LGHA 1989	Head of paid service.	Chief Executive.
Section 5 LGHA 1989	Monitoring officer.	Borough Solicitor.
Regulation 23 Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List.	Director of Finance.
Accounts and Audit Regulations 2003	The responsible financial officer.	Director of Finance.
Births deaths and marriages	Any reference to the proper officer in any enactment relating to registration of births, death or marriages.	Assistant Director of Environment (Policy and Regulation).
LGA 1972, Schedule 12, Part 1, Paragraph 4(2)(b)	Signature of summonses to Council meetings and receipt of notices of addresses to which summonses to	Chief Executive.

	meetings to be sent.	
Local Government (Committees and Political groups) Regulations 1990	Receipt of notification from members.	Democratic Services Manager.
LGA 2000, section 81	Establishment and maintenance of the register of interests of members including voting co-opted members.	Borough Solicitor acting as Monitoring Officer.
Local Authorities (Standing Orders) Regulations 2000	Notices under regulations 5 and 6 regarding proposed appointments of staff.	Director of Human Resources and Diversity.
Local Authorities (Referendums) (Petitions and Directions) Regulations	Functions relating to verification and publicity of petitions.	Chief Executive.
Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	All references to the proper officer.	Democratic Services Manager unless otherwise specified in the Regulations or the Constitution.
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer.	Chief Executive.
Public Health (Control of Diseases) Act 1984 and the Public Health (Infectious Diseases) Regulations 1988	All references to the proper officer	Director of Environment
Generally_*	Any other proper officer function not otherwise designated.	Chief Executive.

PLANNING COMMITTEE

Membership

- The committee is comprised of 10 councillors.

Terms of Reference

1. To determine applications for planning permission, consent or approval (including listed building and conservation area consent) in respect of the following types of development: -
 - (i) construction of 10 or more dwellings;
 - (ii) outline residential development with a site larger than 0.1 hectare (approximately $\frac{1}{4}$ acre);
 - (iii) construction of non-residential building exceeding 500 sq. metres in floorspace outside a designated employment area; and
 - (iv) outline non-residential development with a site larger than 0.1 hectare (approximately $\frac{1}{4}$ acre), outside a designated primary employment area.
2. To determine applications for planning permission, consent or approval (including listed building and conservation area consent) which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any application for planning permission, consent or approval (including listed building and conservation area consent) which at least two members of the Council have requested, in accordance with the Planning Code of Practice, be considered by the Planning Committee.
4. To determine any other application for planning permission, consent or approval (including listed building and conservation area consent) in respect of which written objections have been received from 2 or more households or businesses except where those objections relate to: -
 - (i) walls, crossovers or porches
 - (ii) satellite television dishes or aerials
 - (iii) other domestic aerials
 - (iv) certificates of lawful use or development (except applications which relate to the lawfulness of the use of a dwelling house by more than one family unit)

AND except where the officers are in any event minded to refuse the permission, consent or approval.
5. To determine any application for planning permission, consent or approval (including listed building and conservation area consent) which would, in the

reasonable opinion of the Director of Environment or the Head of Planning, significantly conflict with Council policies.

6. To determine any application for, or revocation of, planning permission or consent or approval (including listed building and conservation area consent) in case where the approval or revocation would, in the reasonable opinion of the Director of Environment or the Head of Planning, give rise to the payment of compensation.
7. To authorise the service of an enforcement or stop notice in respect of breaches of planning, listed building, advertisement and hazardous substances control where such action would involve the payment of compensation.
8. To agree to enter into agreements pursuant to section 106 of the Town and Country Planning Act 1990, section 38 of the Highways Act 1980 or any other agreements required in connection with any permission, consent or approval granted by the committee and to authorise officers to make such agreements subject to such restrictions as it considers appropriate.
9. To determine any matter relating to planning or hazardous substances which are delegated to officers, other than Executive functions, but which the Director of Environment or Head of Planning considers appropriate for the committee to consider.
10. To authorise the making of Tree Preservation Orders in cases where the relevant officer has declined to make an order.
11. In relation to other planning and/or development control matters:
 - (a) where requested by officers or the Executive to do so, to provide comments back to them on any applications for development in neighbouring boroughs and any changes planning policy in other boroughs.
 - (b) to consider and recommend to the Executive or officers amendments and modifications to the Unitary Development Plan, supplementary planning guidance, planning briefs and other similar documents and to approve any revised chapters or review papers in respect thereof for public consultation.

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LIFE LONG LEARNING SCRUTINY PANEL

Membership

- The sub-committee is comprised of 19 members in total comprising 13 councillors, 4 voting education co-opted members and 2 non-voting education co-opted members.
- None of the members shall be members of the Executive.
- The Chair and Vice Chair shall be appointed by the Scrutiny Committee in accordance with Standing Orders.

Terms of Reference

To scrutinise the decisions or actions of the Executive or the Council or any part of them in relation to library services, arts and culture, education, including adult and community education and to carry out the Scrutiny Panel functions in respect thereof.

The Scrutiny Panel Functions

1.

QUALITY OF LIFE SCRUTINY PANEL

Membership

- The sub-committee is comprised of 7 councillors.
- None of the members shall be members of the Executive.
- The Chair and Vice Chair shall be appointed by the Scrutiny Committee in accordance with Standing Orders.

Terms of Reference

To scrutinise the decisions or actions of the Executive or the Council or any part of them in relation to housing, the environment, regeneration, sport and leisure, community centres, customer services, crime reduction and any other Council function not otherwise falling within the remit of one of the other scrutiny panels and to carry out the Scrutiny Panel Functions in respect thereof.

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The Scrutiny Panel Functions

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JOINT COMMITTEES

1. Introduction

The Council is a member of a number of joint committees under the umbrella of the Association of London Government ("ALG"). The ALG Agreement dated 1 April 2000 (as varied by an agreement dated 13 December 2001) established the Leaders' Committee, the Grants Committee and the London Housing Unit Committee as joint committees. There is a further agreement dated 15 January 1998 (as varied by the Agreement dated 13 December 2001), which established another joint committee known as the Transport and Environment Committee.

2. Association of London Government Committee (known as the Leaders' Committee)

The Leaders' Committee is comprised of the Leader of each of the 33 London Local Authorities, including the Leader of Brent Council.

Terms of Reference

The terms of reference of the Committee are set out in full in the Agreement dated 1 April 2000 and are summarised below:

1. To consult on the common interests of the London Local Authorities and to discuss matters relating to Local Government.
2. To represent the interests of the London Local Authorities to national and Local Government, to Parliament, to the European Union and other international organisations and to other bodies and individuals, and to negotiate as appropriate on behalf of member authorities.
3. To formulate policies for the development of democratic and effectively management Local Government.
4. To provide forums for the discussion of matters of common concern to the London Local Authorities and a means by which their views may be formulated and expressed.
5. To appoint representatives or staff to serve on any other body.
6. To represent the interests of the London Local Authorities as employers.
7. To provide services to the London Local Authorities including the dissemination of information on Local Government and on other relevant issues.
8. To provide information to the public, individuals and other organisations on the policies of the ALG and Local Government issues relevant to London.

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 ¶ The Association of London Government ("ALG") is a joint committee of the London Local Authorities. It was established under an Agreement dated 1st April 2000 and was reconstituted in an Agreement dated 13 December 2001 ("the ALG Agreement").¶¶

<#>Membership¶¶

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 <#>To represent the interest of the London Local Authorities to national and local government, to Parliament, to the European Union and other international organisations and to other bodies and individuals, and to negotiate as appropriate on behalf of member authorities.¶¶

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9. To act as the regional body of the Local Government Association.
10. To act for, and on behalf of London Local Authorities in their role as employers, through the provision and development of a range of services.

Rules of Procedure

The rules of debate and procedure for the conduct of meetings of the Leaders' Committee are set out in Standing Orders contained in the 1 April 2000 Agreement and which are also published on the ALG's website. The ALG is also required to comply with Financial Regulations contained in the ALG Agreement. These Standing Orders and Financial Regulations also apply to the other ALG joint committees detailed below.

3. London Housing Unit Committee

The London Boroughs of Harrow, Brent, Camden, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith & Fulham, Haringey, Havering, Hillingdon, Hounslow, Islington, Lambeth, Lewisham, Merton, Newham, Redbridge Southwark, Tower Hamlets and Waltham Forest have each appointed one councillor as a member of the London Housing Unit Committee.

Terms of Reference

The terms of reference of the Committee are set out in full in the Agreement dated 13 December 2001 and are summarised below:

1 To assist Constituent Councils to discharge their statutory housing functions.

2. To assist with the housing functions of councils generally.

1.
3. The activities of the Committee shall include:

(a) provision, organisation and co-ordination of housing publicity and information on issues relevant to member authorities;

(b) research and analysis on housing matters;

(c) evaluation and analysis on housing policy and service issues; and

(d) other appropriate activities consistent with or contributing to the housing duties and functions of the Constituent Councils.

4. To carry out investigations into and the collection of information relating to the housing functions of the Constituent Councils and the housing activities of other appropriate bodies.

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5. To make arrangements for such information and the results of such investigations to be made available to Constituent Councils.
6. To assist the Constituent Councils in giving publicity to their functions and the amenities and/or advantages of and entitlements affecting their area.
7. To provide professional administrative and technical assistance to the Constituent Councils.

4. Transport and Environment Committee

This Committee was established under an Agreement dated 15 January 1998, which was varied by Agreements dated 13 December 2001 and 1 May 2003. The Committee is comprised of one councillor from each of the London Local Authorities, including a councillor from Brent Council and Transport for London.

Terms of Reference

The terms of reference of the Committee are set out in full in the Agreement of 13 December 2001 and are summarised below.

1. Appoint and provide accommodation and administrative support for parking adjudicators and determine the places at which parking adjudicators are to sit.
2. Determine the penalty charge levels and fees for de-clamping, vehicle recovery, storage and disposal subject to the approval of the Secretary of State.
3. Determine the rate of discount for early payment of penalty charge notices.
4. Determine the form for aggrieved motorists to make representations to London Local Authorities under Section 71 of the Road Traffic Act 1991.
5. The publication and updating as necessary of the Code of Practice for Parking in London.
6. The co-ordination and maintenance of vehicle removal and clamping operations.
7. The establishment of links with the Metropolitan and City Police and County Courts and the DVLA.
8. Ticket processing, general data collection and service monitoring.
9. The establishment of common training standards in connection with parking standards, the accreditation of training centres and award qualifications.
10. The establishment of London-wide parking schemes.

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11. Implementation and enforcement of the London Lorry Ban

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12. Managing the Concessionary Fares Scheme

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13. Managing the London Taxicard Scheme

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5. Grants Committee

This Committee was established to take decisions in relation to the ALG Grants Scheme which was established under section 48 of the Local Government Act 1985. The members of the Grants Committee are the 33 London Boroughs.

Terms of Reference

The Terms of Reference of the Committee are:

1. to ensure the proper operation of the London Borough Grants Scheme;
2. to make recommendations to the Leaders' Committee on overall policies, strategy and priorities;
3. to make recommendations to the Leaders' Committee on the annual budget for the London Borough Grants Scheme;
4. to consider grant applications and make grants to eligible voluntary organisations; and
5. to make all decisions relating to the making of grants and the operation of the scheme save those which are specifically reserved to constituent councils.

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9. RETENTION OF DOCUMENTS

9.1 The following items must be retained indefinitely or during the whole of the Council's possession of the relevant asset and for **twelve** years afterwards:

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- Property deeds, contracts and leases relating to land and buildings in the ownership or occupation of the Council.
- Share certificates, stocks, bonds and other securities together with any appropriate contracts of purchase or sale.
- Guarantees, indemnities, insurance policies.

9.2 All other contracts carried out under the seal of the Council **must be retained for twelve** years after completion of the contract.

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9.3 Local authorities are required by statute to retain all accounting documents for a minimum of six years. The statute of limitations for contracts not under seal applies for six years after completion of the contract. In addition Inland Revenue and Customs and Excise may inspect documents for periods of six years. Officers can be held personally liable where documents required are not available. **In order to give effect to these requirements the following documents must be retained for a minimum of six years:**

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- All accounting documents including invoices, contract certificates, paid cheques, bank statements;

- Debtor accounts, income receipts and associated documents;

- All contracts **not under seal** for works, goods **or** services (six years after completion of the contract);

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- **All tender and related documents (six years after completion of the contract);**

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- Details of salaries, wages and superannuation payments including particulars of pay calculations, copy payslips, P60 documents.

- **Documents relating to unsuccessful tenders must be retained for six years from the date of tender.**

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9.4 Most documents can be retained by means of microfilm, microfiche or other copying methods and extracts from such sources are generally accepted for evidence purposes. Audit and Investigations should be

consulted before Managers copy
documents not previously copied or use a new method.

LONDON BOROUGH OF BRENT
LOCAL CODE OF CORPORATE GOVERNANCE

Introduction

This document is based on the guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE). It sets out the Council’s approach to Corporate Governance, which has been defined as:

“The way the Council directs and controls its functions and relates to its community.”

In order to have good corporate governance we must demonstrate strength in the following principles, as defined by CIPFA/SOLACE:

- ***Openness and inclusivity*** –to ensure that stakeholders have confidence in the decision making and management processes of the authority, by conducting genuine consultation, providing access to full, accurate and clear information.
- ***Integrity*** – to have high standards of propriety and probity within our processes and high personal standards of professionalism of members and officers.
- ***Accountability*** – to make members and officers responsible for their decisions and actions, including stewardship of public funds and all aspects of performance.
- ***Leadership*** – to provide a vision for the community and leading by example.

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2 The five elements of the Council’s business

The Council provides many different services and undertakes many different functions. There are five fundamental elements which underpin all of these services and functions. These have been defined by CIPFA/SOLACE as:

- ***Community Focus*** – working for and with the community, promoting wellbeing of the Borough
- ***Service Delivery*** – in delivering our services we seek continuous improvement and the translation of policies into action in an effective and efficient manner
- ***Structures and Processes*** – having effective political and managerial structures and processes to govern decision making

-
- ***Risk Management and Internal Control*** – *establishing and maintaining a strategy, framework and processes for managing the risk.*
 - ***Standards of Conduct*** – *establishing high standards of integrity, accountability and openness amongst all our members, staff and agents and in all our dealings.*

The Council will ensure that the principles of openness, inclusivity, integrity, accountability and strong leadership will be present in all five elements of our business.

The Council has produced a framework by which it can assess its compliance with recognised good corporate governance arrangements. This framework sets out the criteria for good corporate governance under each of the five elements detailed above. It shows how the Council is complying with the requirements and what it intends to do to where compliance has not yet been achieved.

PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is, in addition to the Brent Members Code of Conduct, adopted by the Council under the provisions of the Local Government Act 2000. The purpose of the Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members of the Planning Committee making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist members of the Council in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

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General

1. Members of the Planning Committee shall determine applications in accordance with the Unitary Development Plan unless material considerations indicate otherwise. The Brent Members Code of Conduct and the law relating to Brent Council members' personal and prejudicial interests must be complied with throughout the decision making process. Decisions should not be influenced by personal or prejudicial interests of Councillors or because of undue pressure exerted by applicants, agents or third parties. This Code sets out further rules applicable to the planning process in Brent.

Review of Code of Practice

2. The Borough Solicitor is instructed to commission a report independent of the planning service annually on the operation of this Code of Practice. The report should address the extent of compliance with the Code by officers and members, contain an analysis of decisions being made against officers' recommendations and set out any appropriate recommendations for improvement. This report should be presented annually to the Standards Committee.

Accountability and Interests

3. Members of the Planning Committee should not take part in any discussion of, or vote on, any item if the member of the Planning Committee or his or her relative, friend or associate is the applicant, agent or objector for that matter.
4. If an approach is made to a member of the Planning Committee from an applicant or agent or other interested party in relation to a particular

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planning application or any matter which may give rise to a planning application, the member of the Planning Committee shall:

- (i) inform the person making such an approach that such matters should be addressed to officers or to members who are not members of the Planning Committee;
- (ii) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered; and
- (iii) record the approach in the register maintained by the Director of Environment under paragraph 12 below.

5. Members of the Council who have business or other interests which may bring them into contact with the Council's planning system on a regular basis should not be considered for membership of the Planning Committee.

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6. Members of the Council who are consistently unable to support the Council's planning policies should not be considered by their political group for membership of the Planning Committee.

7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.

8. When the circumstances of any member of the Planning Committee are such that they have:-

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(i) a personal interest in any planning application or other matter, then the member of the Planning Committee, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter; or

(ii) a prejudicial interest in a planning application or other matter, he/she shall not exercise his or her discretion to require the application or other matter to be referred from officers to the Planning Committee.

For the purposes of this Code, in determining whether a member of the Planning Committee has a prejudicial interest, the exceptions in paragraph 10 (a), (b) and (c) of the Members Code of Conduct will not apply.

9. For the avoidance of doubt, where a member of the Planning Committee is a Freemason or a member of a similar secret society and is aware that

the applicant, agent or other interested party in relation to a particular planning application is also a Freemason or a member of the Planning Committee of the same secret society, the member shall treat this as a prejudicial interest for the purposes of paragraph 8 above.

10. Where under the provisions of the Constitution two members of the Council ask for an application or other matter to be decided by Committee rather than by officers, their request shall state:

- (i) the reason(s) why they feel the application or other matter should not be dealt with under delegated powers; and
- (ii) whether or not they have been approached by any person concerning the application or other matter and if so, by whom.

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This information shall then be included in the relevant Planning Committee report.

Unless the request and the necessary supporting information outlined above has been provided by both members at least one week prior to the relevant meeting then the matter proceed to be determined by officers in accordance with their delegated powers.

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11. If any member of the Council wishes to request a site visit prior to a meeting of the Planning Committee at which the application in respect of the request is to be considered, they shall provide the following details at least one week before the date of the meeting at which the application is to be considered and a record shall be kept of those details:

- (i) their name;
- (ii) the reason for the request; and
- (iii) whether or not they have been approached concerning the application or other matter and if so, by whom.

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If the details are not provided then the site visit shall not proceed. Alternatively, during any meeting of the Planning Committee, any member of the Planning Committee may request a site visit in respect of any application on the agenda of the meeting. The member must give the reason for the request.

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12. The Director of Environment shall maintain a register of contact made by applicants, agents or interested parties with individual members of the Council on each and every planning application, in which members of the Planning Committee must record approaches referred to in paragraph 4 and other members of the Council may record such approaches if they feel it is appropriate.

13. If any officer of the Council who is involved in making recommendations or decisions on planning applications has had any involvement with an applicant, agent or interested party, whether or not in connection with the

particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare a prejudicial interest in the public register held by the Director of Environment and take no part. The declaration of such interest shall also be recorded in the minutes of the meeting. This public register to be available for inspection at Planning Committee meetings.

14. No officer of the Council shall engage in any paid work for any town planning matter for which Brent is the Local Planning Authority other than on behalf of the Council.
15. In relation to all matters not already governed by paragraphs 13 and 14 above, all such officers shall comply with the Royal Town Planning Institute Practice Advice Note No.5 relating to Consultancy by Current and Former Employees or any guidance replacing this.

Site Visits by Members of the Planning Committee with Officers

16. The purpose of a site visit is to gain information relating to the land or buildings which are the subject of the planning application or other matter to be considered by the Planning Committee. A site visit may also assist members of the Planning Committee in matters relating to the context of the application or other matter in relation to the characteristics of the surrounding area. Members attending the site visit should avoid expressing opinions on site visits to any person present.

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17. Members of Planning Committee shall not enter any premises which are the subject of a planning application or other matter or known by them to be likely to become such in order to meet the agent, applicant or other interested party, save in the course of a formal accompanied site visit. In exceptional circumstances (for instance where a member of the Planning Committee is unable to attend the site visit), any visit made shall be accompanied by a planning officer.

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18. On site visits applicants or other interested parties shall only be permitted to point out to those members of the Planning Committee attending the site visit the features to look at either on the site or in the vicinity, which are relevant to the application or other matter. No discussion will take place on the merits of the application or other matter.

19. Whilst on site visits, members of Planning Committee shall keep together as a group and shall not engage individually in discussion with applicants or objectors.

Membership and Jurisdiction of the Planning Committee

20. When the membership of Planning Committee is determined, care shall be taken to ensure that for each Ward there is always at least one Councillor who is not a member of Planning Committee. This is so that

there will always be a Councillor who is not a member of the Planning Committee with whom residents will be able to discuss planning matters.

21. Any pre-briefings, which may be held prior to the Planning Committee meetings shall be open to all members (and alternates) of the Planning Committee. These briefings can help to speed up decision making by giving officers notice of additional information members of the Planning Committee may require at the meeting.
22. All members of Planning Committee, and in particular the Chair, shall be informed from time to time about the relevant provisions of the Local Government (Access to Information) Act 1985 and in the event of any dispute between members of the Planning Committee and officers as to the application of the 1985 Act, the advice of the Borough Solicitor or his or her representative shall be obtained forthwith.

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Meetings of the Planning Committee

23. No material revision to any planning application which might lead to a change in the recommendation of officers shall be considered at Planning Committee unless it has been submitted at least fourteen clear days before the relevant Planning Committee meeting, and has been the subject of a full appraisal by officers.
24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendations the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the minutes of the meeting.
25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the

Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the minutes of the meeting.

26. Members of the Planning Committee shall refrain from personal abuse and party political considerations shall play no part in their deliberations. Members of the Planning Committee shall be respectful to the Chair and to each other and to officers and members of the public including applicants, their agents and objectors. Members of the Planning Committee should not make up their mind before hearing and considering all relevant information at the meeting and should not declare in advance of the meeting, how they intend to vote on a particular application or other matter.
27. Members of the Planning Committee should not speak to members of the public (including applicants and agents) during a meeting of the Planning Committee or immediately prior to or after the meeting concerned, other than where permitted by this Code or Standing Orders.
28. When questioning members of the public or the applicant who have spoken at a meeting of the Committee, members of the Planning Committee shall ensure that their questions relate only to planning matters relevant to the particular application.
29. The minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.
30. A member of the Planning Committee shall not vote in relation to any planning matter unless he or she has been present in the meeting of the Planning Committee throughout the consideration of that particular matter. Any dispute as to whether the member of the Planning Committee in question should be permitted to vote shall be decided by the Chair having taken appropriate advice from legal or other officers present.
31. Unless all members of the Planning Committee indicate that they intend to vote in accordance with the officers' recommendation on a particular item, the responsible officer shall be allowed time, at the beginning of the consideration of each application, to summarise his or her advice. If after discussion it appears that any member of the Planning Committee is minded to vote contrary to the officers' recommendation, the officer shall be allowed a further opportunity to respond to new points which have been raised, and to address the implications of a contrary decision.

Member and Officer Relations

32. Any criticism by members of Planning Committee of officers in relation to the handling of any planning matter shall be made in writing to the Director of Environment and not to the officer concerned. No such criticism shall be raised in public.
33. If any officer feels or suspects that pressure is being exerted upon him or her by any member of the Council in relation to any particular planning matter, he or she shall forthwith notify the matter in writing to the Director of Environment.
34. Members of Planning Committee shall not attempt in any way to influence the terms of the officers' report or recommendation upon any planning matter.

Part 8, Schedule 1 of the Members Allowance Scheme**SCHEDULE 1**

2.1 <u>ALLOWANCE</u>	Number of Posts/Amount	Total
BASIC Payable to all Councillors	63 x 7,000	441,000
SPECIAL RESPONSIBILITY Only one special responsibility will be payable to any one member.		
Post		
Leader	1 x 32,000	32,000
Executive Members 3 Deputy Leader Other Executive Members	1 x 22,400 8 x 13,600	131,200
Chairs of main Overview and Scrutiny Committees	2 x 11,000	22,000
Chairs of the Overview and Scrutiny sub-committees	6 x 4,340	26,040
Chair of council committees 4 <i>Planning</i> <i>General Purposes</i>	1 x 12,000 1 x 5,600	17,600
Leader of 1 st opposition party	1 x 11,500	11,500
Chairs of consultative forums	12 x 4,340	52,080
Vice chairs of council committees 5 <i>Planning</i>	1 x 1,920	1,920
Chair of sub-committee 6 <i>Licensing</i> 7 <i>Pension Fund</i>	1 x 1,920 1 x 1,920	3,840
Opposition spokesman 8 <i>On Overview Committee</i>	1 x 1,920	1,920
Deputy of 1 st opposition party	1 x 3,840	3,840
Leader of 2 nd opposition party	1 x 4,420	4,420
Whip of main party	1 x 8,000	8,000

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2.1 ALLOWANCE	Number of Posts/Amount	Total
Whip of main opposition party	1 x 5,000	5,000
Whip of 2 nd opposition party	1 x 1,920	1,920
	TOTAL for Basic and Special Responsibilities	764,280
		Deleted: 768,620
CIVIC RESPONSIBILITY	8.1	
Mayor	8.2 1 x 6,920	6,920
Deputy Mayor	8.3 1 x 5,093	5,093
	8.4 TOTAL	12,013
	8.5	
CO-OPTED AND INDEPENDENT MEMBERS	8.6	
Voting co-opted members	8.7 4 x 200	800
Independent members	8.8 2 x 200	400
	8.9 TOTAL	1,200
	8.10	
	8.11	
TOTAL FOR SCHEME	8.12	777,493*
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**This figure represents the total indicative cost of the scheme. Since members may only claim one SRA some of the allowances included in the scheme are not taken up and so the total actual cost of the scheme will be less than that shown above.*

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Full Council or in the case of their sub-committees the Overview Committee and the Scrutiny Committee shall, at the same time as appointing members to other committees or sub-committees, appoint to the Overview Committee and to the Scrutiny Committee and to any sub-committee of those committees whose functions relate wholly or partly to any education functions which are the responsibility of the Executive 2 further voting co-opted members to those committees or sub-committees one of whom shall be		
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Nominated by the Diocesan Board of Education for any Church of England Diocese which falls within the Council's area and one		
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representative nominated by the bishop of any Roman Catholic Diocese which falls within the Council's area and such appointment shall be made by the appropriate appointing body.		
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and such appointment shall be made by the appropriate appointing body		
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Full Council or in the case of their sub-committees the Overview Committee and the Scrutiny Committee may also, at the same time as it appoints members to other committees or sub-committees, appoint to the Overview Committee and to the Scrutiny Committee and to any sub-committee of those committees whose functions relate wholly or partly to any education functions which are the responsibility of the Executive 2 non voting co-opted members to those committees or sub-committees who represent the governing bodies of foundation schools which are faith schools not covered by paragraph (c) above.		
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Rules of Procedure

The rules of debate and procedure for the conduct of meetings of the ALG are set out in Standing Orders which are attached at Schedule 6 to the ALG Agreement. The ALG is also required to comply with the Financial Regulations attached at Schedule 7 to the ALG Agreement. The Standing Orders and Financial Regulations also apply to the London Housing Unit Committee and Association of London Government Transport and Environment Committee.

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London Housing Unit Committee		
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The London Housing Unit Committee is a joint committee which operates in association with the ALG. Like the ALG, it was established under an Agreement dated 1 April 2000 and were reconstituted in the ALG Agreement.		
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The London Housing Unit Committee has delegated certain functions to its Housing Unit sub-committee. These delegated functions are the terms of reference as listed below except decisions relating to policy and the Committee's budget.		
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and its sub-committee		
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The activities of the Committee shall include:

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Provision, organisation and co-ordination of housing publicity and information on issues relevant to member authorities;		
Research and analysis on housing policy and service issues;		
Evaluation and analysis on housing policy and service issues; and		
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Other appropriate activities consistent		
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the Constituent Councils		
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To carry out or assist Constituent Councils or other appropriate bodies to carry out investigations into, and the collection of information relating to, the housing functions of the Constituent Councils and the housing activities of other appropriate bodies.		
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To make the results of such investigations available to Constituent Councils, other local authorities, any government department, other appropriate bodies or the public.		
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To assist the Constituent Councils in giving publicity to their functions and the amenities and/or advantages of and entitlements affecting their area individually and/or collectively.		
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To provide professional, administrative and technical assistance to the Constituent Councils or other appropriate bodies.

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Association of London Government Transport and Environment Committee

The Association of London Government Transport and Environment Committee (“ALGTEC”) is a joint committee of the London Local Authorities. It was established under an Agreement dated 15 January 1998 and was reconstituted in an Agreement dated 13 December 2001 (“the ALGTEC Agreement”).

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