

<p style="text-align: center;"><b>LONDON BOROUGH OF BRENT</b></p> <p style="text-align: center;"><b>Meeting of the Full Council</b></p> <p style="text-align: center;"><b>Report from Borough Solicitor</b></p> <p style="text-align: center;"><b>16<sup>th</sup> May 2005</b></p>	
For action	Wards affected: ALL

**Report Title: Proposed Revisions to Brent's Constitution**

## **1.0 Summary**

- 1.1 This report sets out proposed changes to the Constitution required to be made as a result of changes to legislation and arising out of the work of the Constitution Monitoring Group. Further changes are recommended to provide improvements to drafting.

## **2.0 Recommendations**

- 2.1 Members are asked to agree the Constitution shown in the Appendix and any structural changes and changes to powers or other matters reflected in it.

## **3.0 Detail**

- 3.1 Most of the changes required to be made arise from changes to legislation, including the Children Act 2005 and the Freedom of Information Act 2000. Others are recommended to improve drafting and others to improve processes. Where possible the recommended amendments have been submitted to members of the Constitutional Monitoring group for consideration.
- 3.2 Probably the greatest number of proposed changes arises from the re-organisation of the Council which has already been agreed by the Executive in response to the Children Act although, in fact, there is little of substance changing. The main change, of course, is the fundamental change in the delivery of services to adults and children and the newly created statutory director posts that will lead on these areas but this has little impact on the Constitution in reality. The biggest proposed change, 'constitutionally', is the proposed change in the Lead

member portfolios, as indicated in the Appendix. It is also proposed to change the scrutiny arrangements such that the Lifelong Learning Scrutiny Panel will be replaced with the Children and Families Scrutiny Panel, the Social Care Scrutiny Panel will be replaced with the Adult and Social Care Scrutiny Panel and the Quality of Life Scrutiny Panel will keep the same name but its remit will be extended so as to include customer services, adult and community education, libraries, arts and culture.

- 3.3 Once agreed the new Constitution will be published on the internet and intranet and a hard copy issued to relevant people. The existing electronic version already contains amendments agreed by Full Council at its meeting on 29 November 2004 relating to the budget process, alcohol and liquor licensing, the Planning Code of Practice and the Freedom of Information Act. These will now also be included in the printed version.
- 3.4 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 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. There have been no changes made to Standing Orders using this power. The electronic version already contains the changes made using this power and the new printed version will also include them.
- 3.5 The changes to the Constitution are shown as tracked changes in the Appendix and, for ease of reference, contain footnotes which provide an explanation of the reasons for the proposed changes. In cases where the change is self explanatory there are no footnotes.

#### **4. Financial Implications**

- 4.1 None.

#### **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". Other legal implications are addressed in the body of the report and throughout the Appendix.
- 5.2 The Children Act 2004 received Royal Assent on 15th November 2004. The rationale of the Act is to ensure a coordinated approach to meeting the needs of all children and young people. There is a duty on all Children's Services Authorities to make arrangements with their relevant partners to improve children's well-being.

- 5.3 The Local Authority will take the lead in making arrangements to promote cooperation and, from a date to be fixed, there will be a duty on every Local Authority to have a Director of Children's Services (DCS), who is professionally responsible and a Lead Member for Children's Services (LMCS), who is politically responsible for local authority children's services. As from 1st April 2005 there is a statutory power to make the appointments, and it is this power which this Council is relying on. Together the DCS and LMCS will be responsible for driving change and for ensuring that services improve. The Children Act 2004 also requires a Local Authority to appoint a Director of Adult Social Services, once a local authority exercises its power to appoint a Director of Children's Services and, in any case once the duty to appoint a Director of Children's Services is commenced. Draft guidance from DFES recommends that the Director of Adult Social Service's responsibilities are included in the portfolio of an executive member and this Council has accepted this recommendation.

## **6. Diversity Implications**

- 6.1 None.

## **7. Staffing/Accommodation Implications**

- 7.1 None.

### **Background Papers**

Report to Full Council 29 November 2004

Report to Full Council 31<sup>st</sup> January 2005 regarding Northwick Park Hospital

Report to Executive from Gareth Daniel 12 April 2005

### **Contact Officers**

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