

PART 2

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ARTICLES

Article 1 - The Constitution

Type of Executive Arrangements

- 1.1 The Council is operating a Leader and Cabinet form of executive arrangements. The following parts of this Constitution constitute the executive arrangements of Brent Council:
- (a) Article 6 (Overview and Scrutiny Committees and their Sub-Committees) and such part of the Standing Orders in Part 3 as relate to Overview and Scrutiny Committees and their sub-committees;
 - (b) Article 7 (The Executive) and such part of the Standing Orders in Part 3 as relate to the Executive;
 - (c) Article 12 (Joint Arrangements);
 - (d) Article 14 (Decision making) and the Access to Information Rules as set out in Part 6;
 - (e) Part 4 (Responsibility for Functions).

Powers of the Council

- 1.2 The Council will exercise all its powers and duties in accordance with the law and this Constitution.

The Constitution

- 1.3 This Constitution is the Constitution of Brent Council.

Purpose of the Constitution

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

Interpretation of the Constitution

- 1.5 Where this Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- 1.6 The Mayor shall decide on the construction or application of this Constitution to any proceedings of Full Council subject to the procedure set out in Standing Order 4. The Borough Solicitor shall decide in other cases.

Monitor and Review of the Constitution

- 1.7 The Monitoring Officer and the Standards Committee will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect and will make recommendations for changes as they consider appropriate.
- 1.8 In undertaking this task the Monitoring Officer may:
- (a) observe meetings of different parts of the councillor and officer structures;
 - (b) undertake an audit trail of a sample of decisions;
 - (c) record and analyse issues raised with him or her by councillors, officers, the public and other relevant stakeholders; and
 - (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Changes to the Constitution

1.9 **Adoption:**

The Constitution will be adopted by Full Council. The Borough Solicitor is permitted to make changes to the Constitution only insofar as set out in Standing Orders.

1.10 **Change from a Leader and Cabinet form of Executive to another form of Executive or alternative arrangements:**

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

Publication

1.11 The Democratic Services Manager will:

- (a) give a printed copy of this Constitution to each councillor of the authority as soon as reasonably possible after delivery to him or her of that councillor's declaration of acceptance of office;

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

Responsibility for Functions

- 1.12 Part 4 sets out the allocation of functions between the Council and the Executive and their respective committees and sub-committees. It also describes the delegations of powers to officers and other bodies.

Article 2 – Members of The Council

Composition and Eligibility

- 2.1 **Composition:** The Council comprises 63 members, otherwise called councillors. Three councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission for England and approved by the Secretary of State.
- 2.2 **Eligibility:** Only registered voters of the Borough or those living or working in the Borough will be eligible to hold the office of councillor. There are other restrictions on who can hold office as a councillor including having attained the age of 21 at the date of nomination, citizenship and absence of any other disqualification.

Election and Term of Office of Councillors

- 2.3 The regular election of councillors will be held on the first Thursday in May every four years beginning in 2002. The term of office of councillors will start on the fourth day after being elected and will finish at the end of the third day after the date of the next regular election.

Roles and Functions of all Councillors

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

Rights and Duties

- 2.5 (a) Councillors have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (b) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to any other person unless lawfully required to do so.
- (c) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules.

Conduct

- 2.6 Councillors will at all times observe the Brent Members' Code of Conduct, the Planning Code of Practice, the Licensing Code of Practice, and any other relevant code of conduct or practice which may be adopted by the Council. They will also have regard to any relevant protocol adopted by the Council.

Allowances

- 2.7 Councillors will be entitled to receive allowances in accordance with the Members Allowance Scheme.

Other Members of Council Committees

- 2.8 Some Council Committees include members who are not councillors. These are the Standards Committee, the Scrutiny Committee, the Overview Committee, the Children and Families Scrutiny Panel, the Adult and Social Care Scrutiny Panel I and the Pension Fund Sub-Committee.
- 2.9 The membership of the Standards Committee includes two independent Members. More information regarding the Standards Committee and the role of the Independent Members is contained in Article 9 and Part 5 of this Constitution.
- 2.10 The membership of the Scrutiny Committee and the Overview Committee and the Children and Families Scrutiny Panel includes four voting and two non-voting education co-opted members. More information regarding the role of the education co-opted members on the Overview and Scrutiny Committees and their sub-committees is contained in the Standing Orders and in Part 5 of this Constitution.
- 2.11 The membership of the Pension Fund Sub-Committee currently includes two non-voting co-optees from the College of North West London and Brent Care at Home.

Register of Interests

- 2.12 The Monitoring Officer maintains a Register of Interests of councillors and voting co-opted members of the Authority pursuant to section 81 of the Local Government Act 2000.
- 2.13 All Councillors and voting co-opted members are required to complete a standard form listing their financial and other interests. These forms are collated and kept centrally in a binder. It is this record that forms the Register of Interests. The Register is updated by the Monitoring Officer, or such other officer nominated by him or her, upon notification by councillors and voting co-opted members of any changes.
- 2.14 The Register of Interests is available for inspection by the public at the offices of the Council at all reasonable hours. The existence of the Register is also advertised in a local newspaper.

Article 3 – Citizens and The Council

Citizens' Rights

3.1 Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 6 of this Constitution:

(a) **Voting and Petitions:**

Citizens on the electoral roll for the Borough have the right to vote in elections and to sign a petition including a petition requesting a referendum for an elected mayor.

(b) **Information:**

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed;
- (ii) attend meetings of the Executive and its committees when Key Decisions are being considered except where confidential or exempt information is likely to be disclosed;
- (iii) find out from the Forward Plan what Key Decisions will be taken by the Executive, its Highways Committee and officers and when;
- (iv) see reports and background papers (except confidential or exempt information), and any records of decisions made by the Council and the Executive, their committees or officers; and
- (v) inspect the Council's accounts and make their views known to the external auditor.

(c) **Participation:**

Citizens may be invited to contribute to reviews conducted by the Overview and Scrutiny Committees or their sub-committees.

(d) **Complaints:**

Citizens have the right to complain to:

- (i) the Council itself, under its complaints scheme;
- (ii) the Local Government Ombudsman, after using the Council's own complaints scheme; and
- (iii) the Standards Board for England, about a breach by any members or voting co-opted members of the Brent Members' Code of Conduct.

Citizens' Responsibilities

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

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 (*The requirement to adopt a Community care plan has been removed by the Community care Plans (Disapplication) (England) Order 2003*);
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Development Plan Documents;
- 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; and
- Statement of Licensing Policy

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The Budget

4.2 The Council's budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, the council tax, a plan or strategy for the control of the Council's borrowing, investments, and/or capital expenditure and any virement limits.

Functions of the Full Council

4.3 There are certain functions that by law, or where there is a choice, by this Constitution, can only be exercised by the Full Council. A full list of these functions is contained in Table 6, of Part 4 of this Constitution. The functions which can only be exercised by Full Council include:

- (a) agreeing a resolution to operate executive arrangements;
- (b) approving or adopting the Policy Framework and the Budget;

- (c) agreeing any application to the Secretary of State in respect of any Housing Land Transfer;
- (d) appointing and dismissing the Leader and other members of the Executive;
- (e) agreeing and/or amending the terms of reference for committees of the Council and making appointments to them; and
- (f) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.

Housing Land Transfers

4.4 Housing Land Transfer means a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or a disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Council Meetings

4.5 There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings

More information about these meetings and the way they are conducted is set out in the Standing Orders.

Article 5 – The Mayor

Role and function of the Mayor

- 5.1 The Mayor is elected by other members of the Council at the Annual Meeting and the Deputy Mayor is chosen by the duly elected Mayor to act as his or her deputy. The Deputy Mayor will, generally, act in the absence of the Mayor.
- 5.2 The responsibilities of the Mayor include:
- to uphold and promote the purposes of the Constitution, and to interpret the application of the Constitution to Council meetings when necessary;
 - to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 - to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive to account;
 - to promote public involvement in the Council's activities;
 - to attend such civic and ceremonial functions as the Council as he or she determines is appropriate; and
 - to present the Citizenship Awards at the Annual Meeting prior to the transaction of any business.

Article 6 – Overview and Scrutiny Committees and their Sub-Committees

Introduction

- 6.1 Effective, independent and rigorous examination of the proposals and decisions made by the Executive are a significant feature of the Council's executive arrangements and provide a key role for non-executive Members. Overview and Scrutiny are the mechanism for holding the Executive publicly to account. These functions give non-executive Members a significant opportunity to contribute to the proposals of the Executive, for example concerning the budget, as well as reviewing the quality of service performance and the impact of policy decisions on the Borough.

Co-ordinating Overview and Scrutiny

- 6.2 The Council has appointed one Overview Committee and one Scrutiny Committee to carry out the overview and scrutiny functions. These committees comprise councillors and voting and non-voting education co-opted members. More information about the membership of the Overview and Scrutiny Committees is contained in Part 5 of this Constitution.
- 6.3 The Overview Committee and the Scrutiny Committee have a number of co-ordinating functions, which include:
- To appoint sub-committees known as Overview or Scrutiny Panels and Select Committees;
 - To appoint members to the sub-committees and the chairs and vice chairs thereof;
 - To agree the annual work programmes of the Overview and Scrutiny Committees and their sub-committees and submit them to Full Council for approval;
 - To produce annual reports on the activities of the Overview Committee and the Scrutiny Committee and their sub-committees; and
 - To ensure a balance with the Executive between efficient decision making and overview and scrutiny.
- 6.4 The Scrutiny Committee is assisted in co-ordinating its activities by the Management Board which is an informal working group made up of the Chair and Vice Chair of the Scrutiny Committee and the Chairs of the sub-committees. Its role is to:
- develop the annual work programme(s) for the committee and its sub-committees for approval by the main committee and then Full Council and consider any in-year changes to it that may be needed;
 - oversee the implementation of the work programme(s);
 - prepare the annual report of the Scrutiny Committee;
 - co-ordinate the activities of the sub-committees and seek, in an informal way, to resolve any disputes that may arise;
 - consider which committee or sub-committee should receive reports;
 - act as the main focal point for liaison between the Scrutiny Committee and the Executive and/or Overview Committee;

- consider and make recommendations to the Chairs of the committee or sub-committees on the calling of special meetings of the committee or sub-committees; and
- consider and make recommendations to the committee or sub-committees on the setting up of any task groups.

General Role

6.5 Within their terms of reference, the Overview Committee and the Scrutiny Committee and/or their sub-committees will:

- (a) make reports and/or recommendations to Full Council and/or the Executive, as appropriate, in connection with the discharge of any relevant functions of the Council;
- (b) make reports and/or recommendations to Full Council and/or the Executive, as appropriate, on matters which affect the Council's area or its inhabitants; and
- (c) in the case of the Scrutiny Committee or its sub-committees, review and/or scrutinise decisions made, or actions taken, in connection with the discharge of any of the functions of the Executive or the Council and exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive.

6.6 Other than the Forward Plan Select Committee, the sub-committees may establish time limited task groups to consider a set of issues or a service or part of a service or decision or other action taken or to be taken which will then report back to the relevant sub-committee and/or parent committee. The sub-committees will take into account any recommendations from the Management Board prior to establishing a task group.

Terms of Reference

6.7 The terms of reference for the Overview Committee and the Scrutiny Committee are set out in Part 5 of this Constitution. In summary:

- (a) The Overview Committee and its sub-committee will:
 - assist the Council and the Executive in the development of the Budget and Policy Framework by in-depth analysis of policy issues; and
 - consult with external organisations operating in the area to ensure that the interests of local people are enhanced by partnership and collaborative working.
- (b) The Scrutiny Committee and its sub-committees will:
 - review and/or scrutinise the decisions made or to be made or other action taken or to be taken in connection with the discharge of any of the Council's functions; and
 - review the performance of the Executive, other committees and sub-committees and officers both in relation to individual decisions and over time.

- 6.8 The Council has established a sub-committee of the Overview Committee called the Health Overview Panel and five sub-committees of the Scrutiny Committee called the Forward Plan Select Committee, the Performance and Finance Select Committee, the Children and Families Scrutiny Panel, the Quality of Life Scrutiny Panel and the Adult and Social Care Scrutiny Panel. The terms of reference for these sub-committees are set out in Part 5 of this Constitution.

Finance and Resources

- 6.9 The Overview and Scrutiny Committees may exercise overall responsibility for any finances and resources made available to them.

Annual Report

- 6.10 The Overview and Scrutiny Committees will report annually to Full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

Proceedings of the Overview and Scrutiny Committees and sub-committees

- 6.11 The Overview Committee and the Scrutiny Committee and their sub-committees will conduct their proceedings in accordance with Standing Orders and the Access to Information Rules.

Article 7 – The Executive

Role

- 7.1 The Executive is responsible for implementing the Council's policies. It is precluded from carrying out certain functions but is responsible for most day to day decisions not taken by officers.

Form and composition

- 7.2 The members of the Executive are appointed by Full Council and consist of the Leader together with nine councillors, who may not be the Mayor or Deputy Mayor.

Term of Office

- 7.3 The members of the Executive, including the Leader, will hold office until:
- (a) they resign from the office; or
 - (b) they are suspended from being a councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension) or they are disqualified from being a councillor; or
 - (c) they are no longer a councillor; or
 - (d) they are removed from office, either individually or collectively, by resolution of the Council; or
 - (e) the Annual Meeting (or the Meeting of Full Council which follows the Annual Meeting at which the Executive is re-appointed), when they will stand down but be able to stand for re-election; or
 - (f) in the case of Executive members other than the Leader, they are suspended from office by the Leader (prior to Full Council considering permanently removing that Councillor from the Executive and appointing a replacement) who must give written notice of any suspension to the Borough Solicitor. The suspension will take effect immediately and removal or reinstatement will take effect immediately following the decision of Full Council.

Proceedings of the Executive

- 7.4 Proceedings of the Executive take place in accordance with Standing Orders, where applicable. The Executive's decision-making meetings are held in public except where confidential or exempt information would be discussed.

Responsibility for functions

- 7.5 The Monitoring Officer shall maintain a list as set out in the Constitution of the committees of the Executive, officers or joint arrangements, which are responsible for the exercise of particular executive functions. This is contained in Part 4 of the Constitution.

Decisions by Individual Executive Members

- 7.6 Under the Council's current executive arrangements, individual Executive members will not make decisions alone. The Executive will only make decisions collectively.

Executive Committees

- 7.7 The Executive has established a Highways Committee to which the Leader has delegated certain executive functions. As the Highways Committee is exercising executive functions it is bound by the same procedural rules as the Executive as set out in Parts 3, 4 and 6 of this Constitution.

Article 8 – Regulatory and Other Committees

Other Committees and Sub-Committees

- 8.1 As well as the Overview Committee and the Scrutiny Committee, the Council has appointed the following committees:
- Standards Committee
 - General Purposes Committee
 - Planning Committee
 - Alcohol and Entertainment Licensing Committee
- 8.2 The General Purposes Committee has appointed the following sub-committees:
- Senior Appointments Sub-Committee
 - Schools Disciplinary Sub-Committee
 - Staff Appeals Sub-Committee A & B
 - General Purposes Licensing Sub-Committee
 - Pension Fund Sub-Committee
- 8.3 The Alcohol and Entertainment Licensing Committee has appointed 3 Sub-Committees known as the Alcohol and Entertainment Licensing Sub-Committees A, B and C.

Terms of Reference

- 8.4 The terms of reference for these committees and sub-committees are contained in Part 5 of this Constitution. This also sets out information about the quorum for meetings and the membership.

Article 9 – The Standards Committee

Standards Committee

9.1 The Council has established a Standards Committee.

Membership

9.2 The members of the Standards Committee are:

- three councillors (but not more than 1 member of the Executive), other than the Leader; and
- two people who are not councillors or officers of the Council or any other body having a standards committee (Independent Members).

9.3 Independent Members will be entitled to vote at meetings of the Standards Committee.

Chairing the Committee

9.4 An Independent Member will be elected as Chair of the Committee. A member of the Executive may not chair the Committee.

Quorum

9.5 The quorum for the Committee is 3 and this must include an Independent Member unless they have withdrawn from the meeting due to a prejudicial interest.

Role and Function

9.6 The terms of reference of the Standards Committee are set out in Part 5 of this Constitution. In summary, these are:

- (a) promoting and maintaining high standards of conduct by councillors of the Authority and co-opted members;
- (b) advising the Council on the adoption or revision of the Brent Members' Code of Conduct, the Planning Code of Practice, the Licensing Code of Practice and any other code of conduct or practice which is adopted by the Council ("the Codes");
- (c) together with the Monitoring Officer, monitoring the operation of, and compliance with, the Codes and recommending changes; and
- (d) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Brent Members' Code of Conduct.

Article 10 – Consultative Forums

The consultative forums described in this Article are not a part of the formal decision making structure and processes of the Council and have no decision-making powers. They are however a central part of the Council's consultation strategy. Representations and recommendations may be made by these consultative forums to a committee or sub-committee of the Council or to the Executive or to officers. The Chairs of the Area Consultative Forums and the Service User Forums shall be appointed by Full Council.

AREA CONSULTATIVE FORUMS

- 10.1 The Council is committed to involving the community through effective consultation and two-way communication.
- 10.2 The Council recognises that meaningful participation can only take place:
- in an environment where people are better informed about local services;
 - where community spirit is fostered so that people care enough to want to take part, and are encouraged to do so; and
 - where Council decisions can be seen to reflect the views and concerns of local residents.
- 10.3 Area Consultative Forums provide an important opportunity for members of the public to access, participate in and influence the Council's decision-making process. Participation is also a key theme of central government's modernising agenda, census and constitutional improvements and is a constituent part of the best value regime and the current proposals for community planning. Consultative Forums are central to Brent Council's response to these issues.
- 10.4 Five Area Consultative Forums were set up in 1997 to give local people a say about the issues which matter to them. The Area Consultative Forums are public forums meeting four times per year. At each meeting residents, traders and community representatives are able to ask questions and comment on services provided by both the Council and other agencies in Brent.
- 10.5 Chaired by a local councillor and assisted by a lead manager, each area forum meeting is open to the public, and is always held during a weekday evening in an accessible venue central to the community.
- 10.6 The agenda for each meeting is determined by an autonomous steering group, comprising the forum chair, lead manager and representatives of local residents and traders. The Area Consultative Forums are supported by Brent Council's Consultation Team.
- 10.7 At each meeting local people have the chance to listen to and question the Council and agencies such as the police and health authority about services they provide. There is also a 'soapbox slot' for residents to express their views and concerns on an issue of their choice. The five Area Consultative Forums are listed below and each is made up of the whole Council wards as shown:

Harlesden	Kilburn & Kensal	Kingsbury & Kenton	Willesden	Wembley
Harlesden Stonebridge Kensal Green	Brondesbury Park Kilburn Mapesbury Queens Park	Barnhill Fryent Kenton Queensbury	Dollis Hill Dudden Hill Welsh Harp Willesden Green	Alperton Northwick Park Preston Sudbury Tokyngton Wembley Central

- 10.8 The ward boundaries delineate the area covered by that particular forum although residents may choose to attend a forum other than that in which they live.
- 10.9 The Area Consultative Forums will be supported by the Council's Consultation and Communications officer team, Lead Manager and officers from Council service areas as appropriate.

Functions of Area Consultative Forums

- 10.10 (a) To consider and comment on Brent Council services, policies and practices, and those of other organisations in the Brent area, and to influence practices and policies which determine the provision of Council services by submitting reports on views expressed and issues raised at forum meetings to the appropriate lead officer, the Executive or a member of the Executive and/or the Scrutiny Committee or the Overview Committee or their sub-committees or other Council committees, or the Full Council.
- (b) To provide information to the community about the services, policies and the practices of Brent Council and those of other organisations in Brent.
- (c) To seek out the opinions and views of the community with regard to needs and aspirations for the area, sharing Council draft reports and budget plans as appropriate and relay them to Council decision making bodies.
- (d) To develop and support partnership and inter-organisational discussion, consultation and participation between the statutory and voluntary sectors and business, in relation to local issues.
- (e) To consider and participate in arrangements for public consultation regarding Council services and policies which directly or indirectly affect the area, and/or those requiring 'local consultation' e.g. the Council's Unitary Development Plan, best value service reviews and community planning.
- (f) To consider all matters of relevance and/or interest to residents of the area including any related to the activities of other organisations. Area Consultative Forums shall not however discuss individual or personal cases relating to the Authority's regulatory functions, planning, licensing etc., with the exception of major developments, significant planning applications, environmental improvements and traffic management issues.

- (g) To request the attendance of members of the Executive, other members, Council officers and representatives of other organisations to listen to residents concerns and/or report on matters of local interest.
- (h) Notwithstanding the above, the Area Consultative Forums are consultative only and have no formal decision making powers within the Council's formal decision making processes.

Structure and Membership of Area Consultative Forums

10.11 Each Area Consultative Forum:

- (a) shall meet at least four times per year. Notwithstanding, a Forum may meet more than four times per year, subject to identifying suitable funding, as appropriate.
- (b) will be chaired by a nominated majority group Councillor and supported by a nominated Councillor in the role of Vice-Chair.
- (c) has an appointed Lead Manager. Lead Managers are Council officers appointed as 'community champions' because of their close professional and personal links with the forum area they serve.
- (d) will be open to attendance by residents, councillors and Council officers, local businesses and traders, representatives of community groups and associations, voluntary and other public and statutory organisations, and other relevant outside agencies.

AREA HOUSING BOARDS

10.12 The following Area Housing Boards have been established by the Council each with the aims and roles set out below:

- North Wembley and South Wembley
- South Kilburn
- North Kilburn
- Harlesden, Brentfield and St. Raphaels

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Areas covered

10.13 The boundaries of the Area Housing Board shall be those of the landlord service area.

Aims of the Boards

- 10.14 (a) To involve customers in the provision of housing services.
- (b) To monitor the performance of housing management services and contractors and other parts of the housing services.
- (c) To develop new ideas and methods for solving Council housing problems.
- (d) To influence practices and policies that determines the provision of housing services.
- (e) To consider wider community problems and find solutions to them.

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- (f) To advise the housing management service on local priorities for the provision of housing services and the allocation of resources.
- (g) To advise the housing management service in the development of an area strategy.
- (h) To liaise with other groups and organisations.

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Membership of the Area Housing Boards

10.15 Each Area Housing Board shall consist of such of the following members:-

- (a) One representative from each registered tenants' and residents' association ("TRA") in the area, but two representatives from those TRAs representing more than 300 households. Where there are insufficient TRA representatives to render a meeting quorate then those TRAs that are already represented may nominate one further representative regardless of the number of members in that TRA.

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- (b) One representative for local community groups with a 'housing interest'.
- (c) Co-optees - the board may co-opt persons (not more than one fifth of its total membership) from time to time either as representatives of local or under-represented groups or as persons with particular skills or expertise beneficial to the board.

Deleted: (b) One representative for private sector tenants.¶

¶ (c) One representative for owner occupiers.¶

10.16 Any vacancy in membership shall be filled by a nomination from the appropriate body.

Deleted: (d) One representative for local business interests.¶

10.17 Only representatives of TRAs and community groups with a housing interest may vote. Co-opted members may not vote. In the case of an equality of votes the Chair shall have a second or casting vote.

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10.18 Those organisations with voting rights may nominate named deputies for representatives on the board. Deputies may attend meetings as observers and in the absence of the elected representative will be able to exercise a voting right.

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10.19 A board member who is also a Member of the Council shall not become Chair of a board.

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Meetings of the Area Housing Boards

- 10.20 (a) Meetings of the Area Housing Board will be open to the public and to the press, and at the discretion of the Chair, any person may speak.
- (b) The board shall meet at least four times a year and once in every quarter.
- (c) The quorum for meetings of an Area Housing Board shall be four members with at least three members coming from TRAs.

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(d) An annual general meeting will be held in ~~September~~ each year to receive reports of the work of the Area Housing Board ~~and~~ from the ~~relevant housing management service provider~~ and the outgoing Chair and to elect a Chair and Vice-Chair.

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(e) Meetings shall be conducted in accordance with any rules agreed in respect of the conduct of those meetings.

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SERVICE USER FORUMS

10.21 The Council has established the following Service User Forums with the aims and roles set out below:

- Brent Youth Matters 2
- Children Forum
- Disability and Mental Health
- Private Sector Housing
- Pensioners
- Voluntary Sector Liaison
- Black and Minority Ethnic Forum

Brent Youth Matters 2

10.22 (a) 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:

- The provision and development of the Council's Youth Service and all related facilities.
- The development of a Youth Strategy by the Council.
- The needs of young people, especially those in vulnerable or disadvantaged groups or communities.

(b) To promote the well-being of young people in the borough.

Children Forum

10.23 (a) To promote the well being of children up to 11 years of age in the borough.

(b) 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, the needs of children in the borough up to 11 years old, especially those in vulnerable or disadvantaged groups or communities with particular regard to the adequacy and quality of Council services provided to them and their families.

(c) 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 all matters affecting the quality of care, education and development of children and young people looked after by the Council.

Disability and Mental Health

- 10.24 (a) To provide the focal point for disabled people and mental health service users, their carers, advocates, service providers, advisors, officers, Council members and representatives from voluntary organisations and community groups to meet together on a bi-monthly basis to exchange views and to learn from each others experiences.
- (b) To consider all aspects of the Council's policies as they relate to the needs of disabled people and mental health service users and their carers living in Brent.
- (c) To influence members to make the best and most efficient use of resources available in the borough for disabled people and mental health service users within the framework of Best Value.
- (d) To ensure that the Council is aware of current and forthcoming legislation and the demands and expectations of disabled people and mental health service users who live and/or work within the borough.
- (e) To be a formal point of consultation for the Council on services provided for disabled people and mental health service users.
- (f) To encourage and identify opportunities for the Council to work in partnership with other agencies and voluntary groups on issues relating to disabled people and mental health service users.
- (g) To be empowered to make formal representations through the Council's decision-making structure on matters relating to disabled people and mental health service users.
- (h) To ensure suggestions and recommendations agreed are incorporated as part of the Council's annual service planning process.
- (i) Where necessary, the Forum to request reports from officers on matters relating to disability and mental health services.
- (j) To identify and manage differences between disabled people, their carers and other agencies.
- (k) The Council will be encouraged to utilise the forum to keep disabled people and mental health service users informed of current and forthcoming policies, practices and procedures that may affect them.
- (l) To acknowledge and campaign for equal access to service provision for those people who have disability and mental health support needs.

Private Sector Housing Forum

- 10.25 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:
- (a) the development of policies and procedures in consultation with users which promote and support the availability of good quality owner occupied in rented accommodation in the private sector;

- (b) topics of general interest on private sector housing;
- (c) performance of services offered to elderly and disabled people; and
- (d) any other matters affecting residents and stakeholders involved in the provision of residential accommodation in the private sector in the borough.

Pensioners Forum

- 10.26
- (a) To ensure that the Council is aware of the policies and aspirations of older people within the borough.
 - (b) To consider at a draft stage all aspects of Council policy as it relates to the needs of older people.
 - (c) To encourage the Council to make the best and most efficient use of resources available in the borough for older people and to publicise them to the residents of Brent.
 - (d) To be a formal point of consultation for the Council on services provided for older people.
 - (e) To encourage and identify opportunities for the Council to work in partnership with other agencies and voluntary groups on issues relating to older people.
 - (f) 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 matters relating to older people.

Voluntary Sector Liaison Forum

- 10.27
- (a) To provide a vehicle for effective voluntary sector input into Council policy development and to promote more active partnership working between the Council and the local voluntary sector.
 - (b) To oversee the ongoing development, implementation and review of Brent Council's Voluntary Sector Strategy.
 - (c) To maintain a strategic overview of voluntary and statutory service provision in Brent, including the identification of gaps and overlaps in service provision.
 - (d) To consider Council policy and practice as it relates to voluntary sector issues.
 - (e) To provide advice to the Council on possible areas of grant funding priority and consider how these reflect the Council's overall strategic aims and objectives.
 - (f) To consider and promote mechanisms through which the voluntary sector can become more effectively involved in regeneration within Brent.

Black and Minority Ethnic Forum

-
- 10.28 (a) To raise and/or respond to issues and concerns, and make representations and recommendations to the Executive and relevant Council Committees concerning the needs of black and ethnic minority ('BME') communities.
- (b) To provide a vehicle for effective BME communities input into Council policy development and to promote more active working partnership between the Council and the BME voluntary and community sector.
- (c) To present suggestions to the Council as to how services and programmes can be developed or changed to meet the needs and aspirations of black and ethnic minority communities.
- (d) To promote community cohesion by promoting the development of strong and positive relationships between our diverse communities.
- (e) To consider and participate in arrangements for public participation regarding Council services and policies which directly or indirectly affect BME communities e.g. the Council's Race Equality Scheme, the Community Plan and relevant Best Value service reviews.
- (f) To encourage and identify opportunities for the Council to work in partnership with other agencies and voluntary groups on issues relating to BME communities.

STAFF FORUMS

10.29 The Council has established an Employee Joint Consultative Committee and a Teachers Joint Consultative Committee with the aims and roles set out below.

Employee Joint Consultative Committee

Constitution and functions

10.30 Functions and terms of reference:

- (a) Consultation on employment and related issues concerning all staff groups, except Chief Officers and teachers.
- (b) Consideration of issues, which have been previously raised with management and are considered to be unresolved.
- (c) Specifically excluded are issues which relate to individual employees (or former employees), although wider issues arising from cases can be raised.
- (d) Matters relating to collective disputes will not fall within the remit of the EJCC but will be dealt with under the Council's Collective Grievance and Disputes Procedure.

Representation

10.31 Membership of the EJCC shall comprise:

- (a) The Employers' Side: 8 Members of the Council of the London Borough of Brent who shall be appointed by the Council at the Annual Meeting.
- (b) The Employees' Side: 8 trade union representatives whose conditions of services are governed by the NJC for Local Government Employees and who shall be current employees of the Council.

10.32 The representatives shall be appointed by the trade union branches for the London Borough of Brent. The representatives of the employees shall retain their membership for one year, provided they remain in employment with the Council.

10.33 If a vacancy occurs a successor will be appointed within a reasonable period from the date of the vacancy.

Election of Chair and Vice-Chair

10.34 Each side will appoint a Chair. The Employers' Side will take the Chair the first year with the Vice-Chair coming from the Employees' Side. The positions will alternate in successive years.

Preparation of the agenda

- 10.35 (a) The agenda is to be prepared by the Employers' Side Secretary, in consultation with the Employees' Side Secretary.
- (b) No item other than those appearing on the Agenda is permitted to be transacted at the EJCC meetings unless both sides agree to its introduction.

Quorum

10.36 The quorum of the EJCC shall be 4 members of each side.

Urgent or 'specific issues' meetings of the EJCC

10.37 An emergency meeting may be called where agreed by the Chair and Vice-Chair that there is an urgent matter which cannot be resolved without the Committee's intervention or await the next scheduled meeting. This will be subject to 7 working days notice in writing by the Employee Side Secretary to the Director of Human Resources and Diversity such notice to set out the items for discussion at that meeting.

Decisions

10.38 Decisions will be arrived at by majority voting of both the Employers' Side and the Employees' Side.

Reporting links in the Council structure

10.39 Following the approval of the minutes of the EJCC by the Chair, these shall be submitted to the General Purposes Committee for noting.

Teachers' Joint Consultative Committee

10.40 (a) The Teachers' JCC shall comprise members of the Council appointed by the Full Council, the 13 Members of the Teacher's Panel and any teacher

observers on the Overview and Scrutiny Committees or their sub-committees.

- (b) The Teachers' Panel of the Teachers' Joint Consultative Committee shall be constituted as follows:

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NAHT	1
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and election to the Panel shall be held internally by each organisation by March 31st each year. Vacancies occurring during the period of office shall be filled by the organisation which nominated the retiring member. All members of the panel must be employed as teachers in maintained schools or in the adult education service in the Borough of Brent.

- (c) The Consultative Committee shall meet at least once in every school term and shall, at its first meeting of each new council year, elect a Chair and Vice Chair. If the Chair appointed is a member of the Council, then the Vice Chair shall be appointed from the teachers' representatives and vice versa.
- (d) Terms of Reference: To consult with teachers' organisation representatives in nursery, primary, secondary and special schools and in the adult education service on pay, terms and conditions.

LINKING THE CONSULTATIVE FORUMS TO THE COUNCIL AND TRACKING RECOMMENDATIONS AND REPRESENTATIONS

- 10.41 (a) If the Executive, Full Council, the Overview Committee, the Scrutiny Committee (or any committees or sub-committees of these) or a responsible officer wishes to consult a Consultative Forum in respect of any matter for which they are responsible they shall notify the relevant Lead Manager of their wish for this item to be placed on the agenda of the relevant Forum. Any representations or recommendations of the relevant forum in response to the consultation shall be reported to the person or body raising the matter.
- (b) If a Consultative Forum wishes to make representations or recommendations in respect of an item in the Forward Plan which it has not been, and is not planned to be, specifically consulted by the decision maker identified in the plan ("the decision maker"), any representations or recommendations agreed at a meeting of the relevant forum shall be submitted to the decision maker in writing.
- (c) If a Consultative Forum wishes to make representations or recommendations in respect of an item not in the Forward Plan and which it has not been, and is not planned to be, specifically consulted by any part of the Council, any representations or recommendations agreed at a meeting of the relevant forum shall be submitted to the Overview or Scrutiny Committee or their sub-committees as appropriate.

- (d) If, at a meeting of a Service User Consultative Forum or an Area Consultative Forum a question or issue is raised which, in the view of the Chair or Lead Manager, should be referred to an officer to be responded to the question or issue shall be so referred.
- (e) The response of the person or body to whom any representation or recommendation from a forum is referred shall be reported back to the forum following its consideration by that person or body.
- (f) A note summarising the discussion and outcome of each meeting of a forum shall be copied for information to all members of the Overview Committee and Scrutiny Committee. A copy shall also be provided to the Executive Member for Community Consultation and Public Safety.
- (g) The Chair or any other person representing a relevant Consultative Forum may address a meeting of the Overview Committee or the Scrutiny Committee as appropriate or the relevant sub-committee thereof in accordance with Standing Order 60(e).

Article 11 – Other Bodies and Panels

Introduction

11.1 There are a number of panels or bodies other than those specifically mentioned elsewhere in these Articles which have links to the Council.

- Adoption and Permanency Placement Panel
- Fostering Panel
- Local Safeguarding Children Board
- School Organisation Committee
- Schools Exclusions Appeal Panel
- Schools Admissions Appeal Panel
- Trading Standards Joint Advisory Board
- Schools Forum
- Admissions Forum
- Brent Housing Partnership

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Adoption and Permanency Panel

11.2 (a) The Adoption and Permanency Panel (“the Panel”) fulfils the role of the statutory Adoption Panel required by the Adoption Agencies Regulations 2005.

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(b) The purpose of the Panel is to make recommendations to the Assistant Director Family Support Social Care as to:

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(i) whether or not the child should be placed for adoption in accordance with Regulation 18 of the Regulations

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(ii) whether any advice should be given to the agency in terms of the matters which fall to be considered under Regulation 18(3).

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(iii) suitability of prospective adopters to adopt in accordance with the terms of Regulation 26 of the Regulations

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(iv) whether any advice should be given to the adoption agency in respect of the number of children the prospective adopter may be suitable to adopt, their age range, sex, likely needs and background in accordance with Regulation 26(3).

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(v) whether the child should be placed for adoption with particular prospective adopters in accordance with Regulation 32 of the Regulations

(vi) whether any advice should be given to the adoption agency in respect of the provision of support services, the plan for contact and the exercise of parental responsibility in accordance with Regulation 32(4)

(vii) any other matter that it is required by law to consider.

- (i) whether long term fostering is in a child's best interest;
- (ii) whether a prospective long term fosterer is suitable to be a long term fosterer;
- (iii) whether a prospective long term fosterer is suitable to be a long term foster carer of a particular child;
- (iv) applications from foster carers who wish to apply for a Residence Order under section 8 of the Childrens Act 1989, in respect of the child/children they are fostering; and
- (v) applications for Residence Order allowances, both as to whether an allowance should be paid and at what level.

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Deleted: (a) The Adoption and Permanency Panel is constituted under the Adoption Agencies Regulations 1983 and considers issues relating to the adoption of children. ¶

¶ (b) . The Adoption and Permanency Panel is required to consider the case of every child, prospective adopter and proposed placement referred to it by the adoption agency and to make recommendations as to:¶

¶ (i) . whether adoption is in the best interests of the child;¶

(ii) . whether a prospective adopter is suitable to be an adoptive parent; ¶

<#> . whether a prospective adopter would be a suitable adoptive parent for a particular child;¶

<#> . whether an adoption allowance may be paid to a particular child;¶

<#> . whether long term fostering is in a child's best interest;¶

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Fostering Panel

11.3 (a) The Fostering Panel considers issues relating to the fostering of children as set out below.

(b) The membership of the Fostering Panel is:

- a chair who is either a senior member of staff of the Local Authority who is not responsible for the day to day management of the social workers carrying out the assessments or someone who is independent of the Local Authority who has the necessary skills for chairing.
- Two social workers in the employment of the adoption agency; one with child care experience and one with experience regarding fostering.
- At least one member of the authority's Executive or Children and Families Scrutiny Panel
- At least four other persons who are independent.¹

(c) The functions of the Fostering Panel include:

- to consider each application for approval and to recommend to the appropriate officer whether or not a person is suitable to act as a foster parent;
- where it recommends approval of an application, to recommend the terms on which the approval is to be given;
- to recommend whether or not a person remains suitable to act as a foster parent and whether or not the terms of his or her approval remain appropriate;
- to advise on the procedures under which reviews are carried out by the Council and periodically monitor their effectiveness; oversee the conduct of assessments carried out by the fostering service provider; and
- give advice and make recommendations on such other matters or cases as the fostering service provider may refer to it.

Local Safeguarding Children Board

¹ This is the Fostering Panel membership as set out in the Fostering Regulations 2002.

11.4 (a) The Children Act 2004 requires each Local Authority to establish a Local Safeguarding Children Board, to be made up of representatives from the agencies and bodies which have regular contact with children or responsibilities for services to them in the local area.

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(b) The Brent Local Safeguarding Children Board will be the key statutory mechanism for agreeing how the relevant organisations in the London Borough of Brent will co-operate to safeguard and promote the welfare of children in the area, and for ensuring the effectiveness of what the agencies do.

(c) Objectives of the Board:

(i) To co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the London Borough of Brent; and

(ii) To ensure the effectiveness of what is done by each such person or body for those purposes.

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(d) Terms of Reference of the Board

(i) Monitor the effectiveness of organisations' implementation of their duties under section 11 of the Children Act 2004.

(ii) Ensure that information is available to children to know who they can contact when they have concerns about their own safety and welfare.

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(iii) Develop policies and procedures for safeguarding and promoting the welfare of children in the area of the authority.

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(iv) Develop and implement strategies to safeguard and promote the welfare of groups of children who are potentially more vulnerable than the general population, for example children living away from home, children who have run away from home, or children with disabilities.

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(v) Ensure that systems are in place to identify and support the safety and welfare of children who are privately fostered.

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(vi) Develop and implement a training strategy to meet the training needs of staff across all agencies to work effectively together to safeguard and promote the welfare of children who may be at risk of significant harm.

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(vii) Develop standards for the recruitment and supervision of persons who work with children and monitor their implementation and compliance. This will be informed by the findings of the Richard Report.

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(viii) Ensure that systems are in place for all agencies for the investigation of allegations of breaches of safeguarding practices concerning persons working with children and monitor compliance with the procedures.

(ix) Establish means of communication with the communities in the London Borough of Brent to ensure that issues of safeguarding are understood by all communities and to provide the opportunity for those communities' issues to be addressed by the Local Safeguarding Children Board.

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(x) Monitor and evaluate the effectiveness of what is done by the Local Authority and board partners individually and collectively to safeguard and promote the welfare of children and advise them on ways to improve.

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(xi) Participate in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account.

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(xii) Undertake serious cases reviews as required by chapter 6 of Working Together to Safeguard Children.

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(xiii) Develop and analyse performance indicators relevant to safeguarding children in Brent.

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(xiv) Agree the reporting of management information from agencies to provide an overview of safeguarding activity within the area of the Safeguarding Children Board.

(xv) Implement child death review groups prior to the statutory deadline of April 2008.

(e) Membership

The Brent Local Safeguarding Children Board will be chaired by an independent chair. The Assistant Director of Social Care will become the vice chair. Membership will be drawn from:

- the Chief Officer of Police
- the Probation Board
- the Youth Offending Team
- Strategic Health Authorities and Primary Care Trust
- NHS Trusts and NHS Foundation Trusts
- the Connexions Services
- CAFCASS (Children and Family Courts Advisory and Support Service)
- Domestic Violence Forum
- Local authority legal services
- Drug and Alcohol misuse services
- Representatives of Voluntary Organisations
- Housing

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School Organisation Committee

11.5 (a) The School Organisation Committee ("SOC") is set up under section 24 of the School Standards and Framework Act 1998.

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 11.4 (a) The Area Child Protection Committee ("ACPC") is set up pursuant to Gu... [18]

- (b) The purpose of the SOC is to determine a number of important matters relating to schools which were previously determined by the Local Education Authority (LEA). These include the establishment, discontinuance and prescribed alteration of schools. The most important of the prescribed alterations relate to the enlargement of school premises; changes to school admission numbers; changes to the upper or lower age limits of schools; the establishment or discontinuance of any particular special educational needs provision at the school; and the transfer of the school to a new site.
- (c) The membership of the SOC is:-
- 7 persons who are members of the local authority;
 - 3 persons who are nominated by the Diocesan Board for the Church of England;
 - 3 persons who are nominated by the Roman Catholic Church Diocese;
 - 1 person nominated by the (originally the Further Education Funding Council - now replaced by the) Learning and Skills Council;
 - 7 persons who are members of the governing bodies of local schools; and
 - 4 persons representing faith groups other than Church of England and Roman Catholic.
- (d) On the important matters the SOC has to decide, including the establishment, discontinuance and prescribed alteration of schools, voting must be unanimous by all of the five (or six) groups.

Schools Admissions Appeal Panel

- 11.6 (a) The Schools Admissions Appeal Panel is established under the School Standards and Framework Act 1998. Its purpose is to determine appeals by parents against a decision by the LEA as to the school at which education is to be provided for a child or in the case of a community or voluntary school maintained by the LEA a decision by the governing body to refuse a child admission to a school.
- (b) The panel would also deal with appeals by a governing body against a decision of the Council to admit a child to a community or voluntary controlled school who has been permanently excluded from two or more schools.
- (c) The membership of the Schools Admissions Appeal Panel consists of between three and five members appointed by the LEA. The Panel must contain:
- at least one member with experience in education who has knowledge of educational conditions in the area of the authority, or is a parent of a registered pupil at a school; and
 - at least one member who is a lay person, that is, someone without personal experience in the management of a school or the provision of education in a school (other than experience gained in a voluntary capacity or as a school governor).

- (d) The LEA retains a list of potential panel members. After an appeal has been submitted the LEA must arrange for three (or less often five) appropriate panel members, including a Chairperson from the list, to constitute the panel and hear the appeal.

Schools Exclusions Appeal Panel

- 11.7 (a) The Schools Exclusions Appeal Panel is established under the School Standards and Framework Act 1998. Its purpose is to determine appeals against any decision of a governing body not to reinstate a pupil who has been permanently excluded from a school maintained by the LEA.
- (b) The membership requirements for the Schools Exclusions Appeal Panel are that there must be three or five members (as decided by the LEA). The Panel must contain :
- the Chair who must be a lay member, defined as someone who has not worked in a school in any paid capacity; and
 - at least one person who has been a governor of a maintained school provided that they have served in this capacity for at least 12 consecutive months in the last 6 years; and
 - at least one person who must be, or have been within the last five years, a head teacher of a maintained school.
- (c) The LEA retains a list of potential panel members. After a pupil has been excluded and an appeal is submitted the LEA must arrange for three (or less often five) appropriate panel members, including a Chairperson, to constitute the panel and hear the appeal.

Trading Standards Joint Advisory Board

- 11.8 Brent Council has agreed to carry out Trading Standards services for the London Borough of Harrow. In order to oversee and review these arrangements the two authorities have established a Trading Standards Joint Advisory Board which will:-
- (a) consider the operation, extent and management of the Trading Standards service;
- (b) consider the annual report of the Director of Trading Standards;
- (c) consider management reports concerning complaints from customers about the service;
- (d) receive reports and representations submitted to it by the Director of Trading Standards or the relevant commissioning officers in Brent and Harrow Councils on matters relating to the service; and
- (e) consider and make recommendations on the level of fees and charges to be made to the public in respect of any part of the service.

Schools Forum

- 11.9 (a) The Schools Forum is established under the Education Act 2002. The LEA is required to consult the Forum on a number of matters including:

-
- (i) any proposed changes to the school funding formula, including the financial impact of any proposed changes; and
 - (ii) proposed contracts for the tender of supplies or services where the value is not less than the threshold for application of the EC Regulations and the contract is paid or will be paid out of the LEA's schools budget.
- (b) The LEA must consult the Forum annually in respect of the LEA's functions relating to the schools budget. This specifically relates to:
- (i) the arrangements to be made for the education of pupils with special educational needs;
 - (ii) arrangements for the use of pupil referral units and the education of children otherwise than at school;
 - (iii) arrangements for early years education;
 - (iv) arrangements for insurance;
 - (v) prospective revisions to the LEA's scheme for the financing of schools;
 - (vi) administrative arrangements for the allocation of central government grants paid to schools via the LEA; and
 - (vii) arrangements for free school meals.
- (c) The LEA may consult the Forum on any other issue it thinks fit. Other issues which the Forum considers include the asset management arrangements of the LEA and its capital programme.
- (d) The membership of the Forum is:
- (i) four Primary Heads;
 - (ii) four Primary Governors;
 - (iii) three Secondary Heads;
 - (iv) three Secondary Governors;
 - (v) one Special School Head;
 - (vi) one Special School Governor;
 - (vii) one Nursery School Head;
 - (viii) one Nursery School Governor;
 - (ix) one Voluntary Aided Sector representative; and
 - (x) one Trade Union representative.

Admissions Forum

- 11.10 (a) The Admissions Forum is established under the Education Act 2002. The role of the Admissions Forum is to:
- (i) consider how well existing and proposed admission arrangements serve the interests of children and parents within the area of the authority;
 - (ii) promote agreement on admission issues;
 - (iii) consider the comprehensiveness and accessibility of the admission literature and information for parents produced by the authority;
 - (iv) consider the effectiveness of the authority's proposed co-ordinated admission arrangements;
 - (v) consider the means by which admissions processes might be improved and how actual admissions relate to the admission numbers published;

- (vi) monitor the admission of children who arrive in the authority's area outside a normal admission round with a view to promoting arrangements for their fair distribution around schools;
 - (vii) promote the arrangements for children with special educational needs, looked after children and children who have been excluded from school; and
 - (viii) any other admissions issues which may arise.
- (b) The membership of the Admissions Forum is:
- (i) five councillors;
 - (ii) two parent governors;
 - (iii) three representatives of the Westminster Roman Catholic Diocese;
 - (iv) three representatives of the London Church of England Diocese;
 - (v) three representatives of Community Schools in Brent;
 - (vi) three representatives of Foundation Schools in Brent;
 - (vii) three representatives of Voluntary Aided Schools in Brent;
 - (viii) one representative of the Capital City Academy; and
 - (ix) two representatives of faith groups other than in (iii) and (iv) above.

Brent Housing Partnership

- 11.11 (a) Brent Housing Partnership Limited ("BHP") is a limited liability company wholly owned by the Council, which was established as part of central government's programme of Arms Length Management Organisations.
- (b) With effect from 1 October 2002, BHP is responsible for performing the majority of the Council's landlord functions in respect of the Council's residential housing stock, including leasehold properties.
- (c) The operation of the company is governed by its Memorandum and Articles of Association and its Standing Orders and Financial Regulations, as well as the Management Agreement between BHP and the Council.
- (d) A Board of 18 directors, consisting of 6 Council nominees, 6 tenant representatives and 6 independents, is responsible for running the company.
- (e) The services delivered by BHP on behalf of the Council include rent accounting and recovery, enforcement of tenancy terms and conditions, responsive repairs, planned maintenance (including raising the rented properties to central government's "decent homes standard"), void management, ground maintenance, building cleaning, service charge collection, and resident participation.

Article 12 – Joint Arrangements

Arrangements to promote well being

- 12.1 The Council, in order to promote the economic, social or environmental well being of its area, may:
- (a) enter into arrangements or agreements with any person or body;
 - (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
 - (c) exercise on behalf of that person or body any functions of that person or body.

Joint arrangements

- 12.2 (a) The Council and/or the Executive may establish joint arrangements with one or more local authorities and/or their Executives to carry out any of their functions.
- (b) Any such joint arrangements may involve the appointment of joint committees with the other local authorities and/or their Executives.
- (c) Except as set out in (d) below, where all the functions of a joint committee are executive functions, the Executive may only appoint Executive members to that joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Executive may only appoint members to a joint committee from outside the Executive if the joint committee will be exercising executive functions for only part of the area of the authority, and that area is smaller than two-fifths of the total area of the authority or the population of that area is less than two-fifths of the total population of the authority. In such cases, the Executive may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area.
- (e) The political balance requirements do not apply to such appointments.

Current Joint Committees

- 12.3 The Council is a member of the following joint committees:
- The Association of London Government
 - London Housing Unit Committee
 - Association of London Government Transport and Environment Committee
 - The Grants Committee
 - Northwick Park Hospital Joint Overview and Scrutiny Committee
- 12.4 The terms of reference for these Joint Committees and details of the memberships are set out in Part 5 of this Constitution.

Access to Information Rules for Joint Committees

12.5 The Access to Information Rules for Joint Committees are set out in the Access to Information Rules in Part 6 of this Constitution.

Delegation to and from other local authorities

- 12.6 (a) The Council may delegate non-executive functions to another local authority or, if the function is an executive function of the other local authority, to the Executive of that local authority.
- (b) The Executive may delegate executive functions to the Executive of another local authority or if the function is a non-executive function of the other local authority to that local authority.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council in the case of a delegation to the local authority and to the Executive in the case of a delegation to the Executive.

Contracting out

12.7 The Council or Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 13 - Officers

Management structure

13.1 General

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

13.2 Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers².

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officer); provision of professional advice to all parties in the decision making process.
Director of Children & Families	Early years education, school places, childcare, special education needs, inclusive education, ongoing teacher training and development, transportation to schools, student support, and youth services, child protection, adoption and fostering.
Director of Finance and Corporate Resources	Chief Finance Officer functions, administration of the payroll and pensions, management of the superannuation fund, financial investments, financial management, audit and investigations, corporate procurement, revenues and benefits, accountable body functions (once accountable body status has been formally conferred), corporate property, premises management and I.T.
Director of Housing and <u>Community Care</u>	<p>All permanent and temporary housing, including temporary accommodation for asylum seekers, right to buy management, private sector housing services (including related environmental health functions), liaison and transactions with Housing Associations, homelessness and housing strategy, One Stop Shops call centre.</p> <p><u>Statutory Director of Adult Social Services, adult social services, welfare services, community care, day centres, asylum in so far as it is not a housing matter, mental and other health matters, liaison and</u></p>

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² The deleted wording is unnecessary since all Chief Officers have the same powers in Standing Orders.

	<u>partnerships with the NHS, transportation to day centres etc, home helps, meals on wheels, grants to community and voluntary services and any other function listed in section 14 of Schedule 1 to the Social Services Act 1970 other than those to be exercised by the Director of Children and Families.</u>
Director of Human Resources and Diversity	Development of corporate HR and diversity policies, advice on HR and diversity policies and procedure, assistance with appointments and dismissals, handling appointments and dismissals where requested, consultation and negotiation with Trade Unions.
Director of Environment and Culture	Arts, Libraries, museums, archives, Environment, environmental health (other than in relation to private sector housing), highways and emergency operations, transportation, streetcare, refuse and street cleansing, parks, parking and open spaces, cemeteries and mortuaries, planning, licensing, street trading, trading standards, health and safety, contaminated land, accident prevention, waste management, street lighting, CCTV monitoring, pollution control, food safety, pest control, land charges, building control, street naming and numbering, registrar of births, deaths and marriages, local agenda 21 and leisure centres, adult and community education.
Director of Policy and Regeneration	Policy development, regeneration, complaints, liaison with the Ombudsman.
Director of Communications and Consultation	Media relations, internal and external communications, consultation with residents including Area Consultative forums, design and corporate identity, filming in the Borough, translation and interpretation.
Borough Solicitor	Legal services, elections, member services, committee services, Standards Committee, Freedom of Information Act section 36 determinations.

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Adult and Social Care

Deleted: Director of Adult and Social Care, adult social services, welfare services, community care, day centres, asylum in so far as it is not a housing matter, mental and other health matters, liaison and partnerships with the NHS, transportation to day centres etc, home helps, meals on wheels, grants to community and voluntary services and any other function listed in section 14 of Schedule 1 to the Social Services Act 1970 other than those to be exercised by the Director of Children and Families.

Head of Paid Service, Monitoring Officer and Chief Finance Officer

13.3 The Council has made the following designations:

Post	Designation
Chief Executive	Head of Paid Service

Borough Solicitor	Monitoring Officer
Director of Finance <u>and Corporate Resources</u>	Chief Finance Officer
Director of Children and Families	Director of Children's Services
Director of <u>Housing and Community Care</u>	Director of Adult Social Services

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Structure

- 13.4 The Chief Executive determines and publicises a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out in the Management Structure Chart in Part 1.

Functions of the Monitoring Officer

13.5 (a) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by councillors, officers and the public.

(b) Ensuring lawfulness and fairness of decision making

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

(c) Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) Receiving reports

The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

(e) Conducting investigations

The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.

(f) **Advising whether Executive decisions are within the Policy Framework and the Budget**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Policy Framework and the Budget.

(g) **Providing advice**

The Monitoring Officer will provide advice to all councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues.

(h) **Section 36 determinations**

The Monitoring Officer will act as the 'qualified person' referred to in section 36 of the Freedom of Information Act 2000 for determinations under that section of the Act.

Restrictions on posts

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

Functions of the Chief Finance Officer

13.7 (a) **Ensuring lawfulness and financial prudence of decision-making**

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

(b) **Administration of financial affairs**

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

(c) **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

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

Conduct

13.9 Officers will comply with the Officers' Code of Conduct once it comes into force or is adopted by the Council and the Protocol on Officer/Member Relations set out in the Constitution.

Article 14 – Decision Making

Responsibility for decision making

- 14.1 The Council will issue and keep up to date a record of which part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 4 of this Constitution.

Principles of decision making

- 14.2 All decisions of the Council will be made in accordance with the following principles:
- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
 - (b) due consultation and the taking of professional advice from officers;
 - (c) respect for human rights;
 - (d) a presumption in favour of openness;
 - (e) clarity of aims and desired outcomes; and
 - (f) explaining the reasons for a decision and the options considered.

Key decisions

- 14.3 A Key Decision is defined in statute as an Executive decision which is likely:
- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
- 14.4 The Council is of the view that a Key Decision includes a decision (whether taken by the Executive, its committees or officers) which is likely to be significant in terms of its effect on a community or communities living or working in an area comprising one or more wards or electoral divisions in the Borough. The Council will also treat as if they were Key Decisions any other decision taken or to be taken at a meeting of the Executive or a committee of the Executive.
- 14.5 A decision maker or decision making body may only make a Key Decision in accordance with the requirements of the Access to Information Rules set out in Part 6 of this Constitution.

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.

- 14.7 More information about the Forward Plan and the rules relating to it are included in the Access to Information Rules.

Decision making by Council bodies acting as tribunals

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

Article 15 – Finance, Contracts and Legal Matters

Financial management

15.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations.

Audit

15.2 The Council has appointed internal and external auditors. Responsibility for overseeing the audit function is shared between the General Purposes Committee and the Performance and Finance Select Committee. General Purposes Committee is responsible for taking any actions related to the audit function such as agreeing various plans and work programmes. The Performance and Finance Select Committee is responsible for reviewing and monitoring the effectiveness of the audit function and receiving audit reports and making recommendations thereon.³

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Contracts

15.3 Every contract made by the Council will comply with the Contract Standing Orders set out in Part 3 of this Constitution.

Legal proceedings

15.4 The Borough Solicitor and, on the advice of the Borough Solicitor, Chief Officers are authorised to institute, defend, settle or participate in any actual or contemplated legal or formal proceedings where such action is necessary to give effect to decisions of the Council or in any case where the Borough Solicitor considers that such action is necessary to protect the Council's interests.

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Authentication of documents

15.5 Where any document is necessary for any legal procedure or proceedings, it will be signed by the Borough Solicitor or any other person duly authorised under the Constitution or by the Borough Solicitor for such purpose unless any enactment authorises or requires otherwise.

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Sealing of Documents

15.6 The rules relating to the sealing of documents are set out in the Standing Orders.

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³ This wording has been inserted to make it clear which committees have responsibility for audit functions.

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MEMBERSHIP

The Director of Children and Families must appoint a Chair who has the necessary skills and experience to chair an adoption panel and who is not a disqualified person under the Regulations. The Chair may be one of the independent

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- (a) The Adoption and Permanency Panel is constituted under the Adoption Agencies Regulations 1983 and considers issues relating to the adoption of children.
- (b) The Adoption and Permanency Panel is required to consider the case of every child, prospective adopter and proposed placement referred to it by the adoption agency and to make recommendations as to:
- (i) whether adoption is in the best interests of the child;
 - (ii) whether a prospective adopter is suitable to be an adoptive parent;
- whether a prospective adopter would be a suitable adoptive parent for a particular child;
- whether an adoption allowance may be paid to a particular child;
- whether long term fostering is in a child's best interest;
- whether a prospective long term fosterer is suitable to be a long term fosterer;
- whether a prospective long term fosterer is suitable to be a long term foster carer of a particular child;
- applications from foster carers who wish to apply for a Residence Order under section 8 of the Childrens Act 1989, in respect of the child/children they are fostering;
- applications for Residence Order allowances, both as to whether an allowance should be paid and at what level; and
- applications for prospective adopters who wish to adopt a child from overseas (inter country adoption).
- (c) The membership of the Adoption and Permanency Panel is:
- a person nominated as the medical adviser to the Council;
 - four independent members, one of whom chairs the panel;
 - 3 officers from social services who are a Service Unit Manager, Team Manager and Social Worker; and
 - two councillors (at least one of whom must be a member of the Executive or an Overview and Scrutiny Committee or sub-committee whose remit includes overview and scrutiny of social services functions).

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 Social Care Division who currently chairs the Panel;
 Service Unit Manager, Placements (Deputy Chair);
 the Manager of the Fostering Team;
 a Team Manager from

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 Social Care Division;
 a senior social worker;
 an independent member;
 two foster carers from other Boroughs;
 a medical adviser;
 a clinical psychologist; and
 a councillor.

Area Child Protection Committee

11.4 (a) The Area Child Protection Committee ("ACPC") is set up pursuant to Guidance issued by the Department of Health.

(b) The ACPC is a multi-agency committee for agreeing how different services and professional groups should co-operate to safeguard children in the Borough, and for making sure that arrangements work effectively to bring about good outcomes for children. It makes recommendations, offers guidance and provides information to the bodies that are included in its membership.

(c) Social Services is the lead agency on the ACPC but other agencies are also part of the Committee. The Chair of the Committee is chosen by the Committee itself. The Committee is currently chaired by the Assistant Director, Children's Services. Councillors are not part of the ACPC. The membership of the ACPC is drawn from the following groups:

Education, Arts and Libraries
Social Services
Health Services

The Police
The Probation Service
Voluntary Sector
Magistrates Court – Family Panel
Youth Offending Service
The Council's Legal Services
Representatives from faith communities
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