

# Appendix 1: Amendments to the Constitution – CWG Recommendations

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## ***PART 2 – ARTICLES***

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### **Article 8 – Regulatory and Other Committees**

#### **Other Committees and Sub-Committees**

8.1 As well as the Overview and Scrutiny Committees, the Council has appointed the following committees:

- Standards Committee
- Audit Committee
- General Purposes Committee
- Planning Committee
- Alcohol and Entertainment Licensing Committee

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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.

#### **Statement of Purpose of the Audit Committee**

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8.5 The purpose of the audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and

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weakens the control environment, and to oversee the financial reporting process.

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## Article 10 – Consultative Fora

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### SERVICE USER FORA

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

- Disability and Mental Health
- Private Sector Housing
- Pensioners
- Voluntary Sector Liaison
- Black and Minority Ethnic Forum

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### YOUTH PARLIAMENT

10.27 The Council has established a Youth Parliament to give children and young people a genuine voice in the affairs of the Borough, and to implement the Council's obligations under the Children Act 2004.

#### Terms of Reference

10.28 The Terms of Reference of the Youth Parliament are:

- To discuss and debate issues that affect children and young people and explore potential solutions within the context of formal and informal meetings.
- To represent these views and receive responses from the Council's Executive, Scrutiny and Children & Young People's Strategic Partnership Board.
- To evaluate the performance of service provision, recommending areas for improvement in the context of the Children and Young People's Plan.
- To plan two consultation events per annum for children and young people to raise awareness of issues as agreed by the Youth Parliament.
- To ensure that decisions taken as a result of young people's participation are fed back to young people through a variety of methods e.g. visits to schools, newsletters and websites.

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<#>Children Forum¶

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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.¶

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- (f) Develop a training programme and materials for Youth Parliament members to enable effective participation.
- (g) To monitor progress towards implementation of the Hear by Rights standards across Council departments and other partner agencies represented on the Children & Young People's Strategic Partnership Board.
- (h) To consider possible options for the distribution of the Youth Opportunities Fund.

Membership and Chairs

10.29 Members of the Youth Parliament will be chosen as follows:

- (a) 10 members from locality based youth groups,
- (b) 24 members from school councils,
- (c) 19 members from target and community groups.

10.30 One member of the Youth Parliament together with one member of the Council will act as Co-Chairs. One further member of the Youth Parliament together with one further member of the Council will act as Co-Vice-Chairs.

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**Article 15 – Finance, Contracts and Legal Matters**

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**Audit**

15.1 The Council has appointed internal and external auditors. Responsibility for overseeing the audit function rests with the Audit Committee.

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***PART 3 – STANDING ORDERS***

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**THE EXECUTIVE ARRANGEMENTS**

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**22. *Referral of Called in Decisions to Full Council***

- (a) If, following consideration by the Forward Plan Select Committee (or in the case of an education matter the Children and Families Overview and Scrutiny Committee) of a called in decision, at least 10 members of the Council (not including the co-opted members) so request the decision the subject of the call in shall be referred to a meeting of Full Council for further consideration.

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

### 28. Types of Meeting

- (a) Full Council shall hold an **Annual Meeting** each year, to be held on such day in the month of March, April or May as the Council may determine.
- (b) The Council may in every year hold, in addition to the Annual Meeting, such other meetings on such days as it may determine which shall be called **Ordinary Meetings**.
- (c)\* *A meeting called by the Mayor (or, in the absence of the Mayor, by the Deputy Mayor) or otherwise called under the provisions of paragraph 3 of Part I of Schedule 12 of the Local Government Act 1972 is referred to as an “**Extraordinary Meeting**”.*
- (d) All ~~meetings~~ of Full Council shall be held at 7.15 pm at Brent Town Hall, or otherwise as determined by Full Council or, in the case of an Extraordinary Meeting, as determined by the Mayor, or if called other than by the Mayor, as determined by the Democratic Services Manager.

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### 37. Ordinary Meetings

Unless otherwise provided in these Standing Orders the order of business at every ordinary meeting of Full Council shall be:-

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

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

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

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

(c) **Minutes:**

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

(d) **Declarations:**

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

(e) **Mayor's announcements**

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

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

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

If necessary, to agree appointments to committees and to agree the appointment or replacement of Chairs and/or Vice Chairs of committees.

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

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

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

A Question Time and Non-Executive Members Items shall be held at each ordinary meeting of Full Council.

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

To receive reports from the Leader of the Executive and the Chair of the Overview and Scrutiny Committee in accordance with Standing Orders 40 and 41.

Deleted: (k) **General Debate:** ¶

¶ To hold a general debate in accordance with Standing Order 43.¶

(k) **First Reading Debate:**

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If necessary to hold a First Reading Debate, in accordance with Standing Order 44.

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(l) **Motions Selected by the Group Leaders**

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If there is no First Reading Debate to receive from and debate Motions selected by the group leaders in accordance with Standing Order 45.

**(m)\* Urgent business:**

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

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

**38. Question Time**

(a) A period of not more than 40 minutes shall be allowed to ask and respond to questions raised under this item.

(b) Any non-executive member (except the Mayor and Deputy Mayor) may submit a written question to the Executive on any matter which is the responsibility of the Executive. Such written question shall consist of not more than 50 words and shall be submitted to the Democratic Services Manager at least 5 clear days prior to the next ordinary meeting of Full Council at which a Question Time will take place. Only one written question may be submitted by each non-executive member in the period between each Question Time. All such written questions shall be responded to by the Executive within three weeks of receipt of the written question unless a longer period is required for some special reason.

(c) The leader of the largest opposition group may, by serving notice on the Democratic Services Manager by 12 noon on the day of the deadline specified in paragraph (b) above, select up to five members from his or her group who have submitted written questions in accordance with paragraph (b) to each ask one supplementary question relating to the subject matter of that member's original written question. In order for a member to be eligible, their written question must have been submitted within the timescale specified in paragraph (b) above (whether or not a written response has already been provided to them under that paragraph (b)).

(d) The leader of the largest administration group may, by serving notice on the Democratic Services Manager by 12 noon on the day of the deadline specified in paragraph (b) above, select three members from his or her group who have submitted written questions in accordance with paragraph (b) to each ask one supplementary question relating to the subject matter of that member's original written question. In order for a member to be eligible, their written question must have been submitted within the timescale specified in paragraph (b) above (whether or not a written response has already been provided to them under that paragraph (b)).

(e) The leader of the second largest administration group may, by serving notice on the Democratic Services Manager by 12 noon on the day of the deadline specified in paragraph (b) above, select two members from his or her group who have submitted written questions in accordance with paragraph (b) to each ask one supplementary question relating to the subject matter of that member's original written question. In order for a member to be eligible, their written question must have been submitted within the timescale specified in

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Deleted: <#>At least 5 clear days before the relevant meeting any non-executive member may notify the Democratic Services Manager that he or she would like to raise a supplementary question relating to the subject matter of his or her original written question provided the written question was submitted within the timescale specified in paragraph (b) above (whether or not a written response has already been provided to them under that paragraph (b)). Such notification shall be given to the Democratic Services Manager before 12 noon on the relevant day.¶

¶<#>The Democratic Services Manager shall then prepare a list of the names of the members who have in accordance with paragraph (c) notified him or her of their request to ask a supplementary question (hereinafter referred to as "the list of names"). ¶

¶<#>A total of ten members shall be invited to ask a supplementary question under this standing order such members to be selected from the list of names in acco... [2]

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paragraph (b) above (whether or not a written response has already been provided to them under that paragraph (b)).

(f) Prior to the relevant meeting the original written questions submitted to the Democratic Services Manager shall be circulated to all members together with any written response that has been received from the Executive.

(g) The members selected by the leader of the largest opposition group shall be called first to ask their supplementary questions followed by the members selected by the leader of the largest administration group followed by the members selected by the leader of the second largest administration group.

(h) Each member shall have up to 2 minutes to ask their supplementary question which must relate to the subject matter of their original written question. A written note of the supplementary question to be asked at the meeting or a summary of it shall be provided to the Democratic Services Manager immediately prior to it being asked.

(i) A member of the Executive shall have up to 2 minutes to respond to the supplementary question.

(j) In the event that a non-executive member does not attend the meeting at which their supplementary question is to be asked or chooses not to ask his or her supplementary question then the question may be asked by another member of his or her group.

### 39. Items Selected by Non-Executive Members

(a) As soon as possible after an ordinary election of members to the Council the Democratic Services Manager shall notify the leaders of the political groups of the date, time and venue of the random ballot of names of non-executive members (but excluding the Mayor and Deputy Mayor) for the purposes of this Standing Order.

(b) The Democratic Services Manager will, at the appointed date time and place, select by way of random ballot the names of the non-executive members (but excluding the Mayor and Deputy Mayor) and will list those names in the order in which they are selected.

(c) The members selected will then be entitled, in the order in which they were selected, to raise an issue of their choice (but which shall relate to the functions of the Council or which shall affect the inhabitants of the borough) at a meeting of Full Council at which non-executive members items are to be debated save that the Mayor and Deputy Mayor will not be entitled to raise an issue under this item of business at a meeting whilst they hold those positions.

(d) The member selected may permit another non-executive member to stand in his or her place for the purpose of raising the item and any subsequent speech (unless that other non-executive member has already raised an item under this Standing Order) but in such cases the name of that other member shall be deleted from the numbered list prepared under paragraph (b) above and there shall in its place be substituted the name of the member selected originally to raise the item at the meeting concerned.

**Deleted:** The remaining members to be invited to ask a supplementary question shall be selected from the list of names by way of random ballot by the Democratic Services Manager provided that the Democratic Services Manager shall have given notice to the group offices of the date, time and place of the random ballot.

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**Deleted:** the right to ask his or her supplementary question shall be forfeited and the question may not be asked by another member except in the case of the supplementary questions reserved for the majority group and the two largest opposition groups which

- (e) No member shall be permitted to raise an issue under this Standing Order more than once until there are no names remaining on the list in which case another ballot shall be held on a date and at a time and venue to be notified to the leaders of the political groups by the Democratic Services Manager such notification to be given not less than 2 weeks prior to the date of the ballot. The list will cease to be of effect upon the date of the next ordinary election of members to the Council.
- (f) The member selected (or the member nominated by such member to stand in his or her place) shall submit to the Democratic Services Manager at least 10 days prior to the meeting at which the item is to be raised a note of the item he or she will be raising which note shall comprise not more than 100 words. The note submitted shall be included in the agenda for the meeting at which it will be raised provided that its contents are not, in the reasonable opinion of the Borough Solicitor, improper, irregular or unlawful.
- (g) At every meeting at which Non-Executive Member Items are on the agenda there shall be allowed a period of up to 30 minutes to raise not more than three such items and to respond to and comment thereon in accordance with the following procedure. Deleted: 45
- (h) The first member selected or nominated shall be allowed up to 2 minutes to raise the issue and ask any associated question(s). The Mayor shall then select up to three further speakers who shall be allowed up to 2 minutes each to comment, which comments shall relate to the subject of the item raised. Deleted: 3  
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The Leader or, if the Leader so indicates, another member of the Executive shall be allowed up to 2 minutes to respond to the issues raised and any questions asked by the non-executive member who raised the item. Full Council shall then move to the vote on whether to request the Executive to consider further the issues raised unless the Leader or other member of the Executive indicates that the Executive will in any event consider further the issues raised in which case no vote will be necessary. Deleted: 3
- (i) The process set out in the preceding paragraph shall be repeated for the second member selected or nominated under paragraphs (b) or (d) above and then again for the third member selected.
- (j) The Mayor may exercise his or her discretion to curtail speeches in order to allow the Leader or other Executive Member a reasonable period in which to respond to the final item raised under this Standing Order within the overall time limit in (g) above.
- (k) The names of any new members elected to office and the names of any members who were at the time of the ballot a member of the Executive but have since ceased to be a member of the Executive shall be added to the list if they make a written request to the Democratic Services Manager. Such names will be added to the list in the order in which the request is received. Non-executive members who become Executive members will lose their right to raise an item under this Standing Order.

#### 40. Report from the Executive

- (a) The Leader or other member(s) of the Executive shall be allowed up to 10 minutes to report to Full Council on any matter which is the Deleted: 20



responsibility of the Executive including all or any of the following matters:-

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

Any initial report to be debated at a First Reading Debate in accordance with Standing Order 44, including the initial report on the annual budget;

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

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

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

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

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

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

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Any decisions which the Executive have purported to take or are minded to take which, in the reasonable opinion of the Monitoring Officer or the Chief Finance Officer are, or would be, contrary to the Policy Framework or contrary to or not wholly in accordance with the budget approved by Full Council and in respect of which decision is sought from Full Council in accordance with Standing Order 27;

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

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Any decisions which the Executive have taken and which were contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget but which were taken in accordance with the urgency provisions in Standing Order 16 (to include the reasons for urgency);

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

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Any decisions which were not included in the Forward Plan but were taken by the Executive under the urgency provisions in Rules 37 and 38 of the Access to Information Rules and the reasons for such urgency;

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

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Any decisions which were called in for scrutiny and which were implemented under the urgency provisions in Standing Order 21(c) prior to consideration of the decision by the Forward Plan Select Committee or the Children and Families Overview and Scrutiny Committee as the case may be and the reasons for urgency;

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

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

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

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

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

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The Executive's response to any items raised by Non Executive Members under Standing Order 39; and

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

**Deleted: 43. General Debate on Reports from the Executive and Overview and Scrutiny Committee¶**

¶ Following the presentation of the reports in accordance with Standing Orders 40 and 41 there shall be allowed a period of up to 30 minutes to debate the issues raised in the reports (other than issues relating to a matter which is to be the subject of a First Reading Debate) and to answer questions and at the end of the period there shall be put to the vote:¶

¶ (i) any Motions and/or amendments relating to the issues raised in the report back from the Chair of the Overview and Scrutiny Committee;¶

¶ (ii) followed by any Motions and/or amendments relating to the issues raised in the report back from the Leader or other Members of the Executive (including any alternative proposals submitted in respect of any plan, policy or strategy submitted by the Executive to Full Council).\*¶

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**44. First Reading Debate**

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

**45. Motions Selected by the Group Leaders**

- (a) Where at an Ordinary Meeting of Full Council there is no First Reading Debate there shall be held an item called 'Motions Selected by the Group Leaders' in respect of which a period of no more than fifty minutes shall be allowed. Deleted: one hour
  - (b) The leaders of each group shall, if they wish to select a Motion to be debated under this Standing Order, give notice of their intention to do so to the Democratic Services Manager not less than 10 days before the date of the meeting which notice shall be accompanied by a copy of the Motion they are intending to move at the meeting.
  - (c) Up to 30 minutes shall be allowed to debate and vote on the Motion selected by the leader of the largest opposition group. Up to 10 minutes shall be allowed to debate and vote on the motion selected by the leader of the largest administration group. Up to 10 minutes shall be allowed to debate and vote on the motion selected by the leader of the second largest administration group. Deleted: 20  
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  - (d) The debate shall commence with the leader of the largest opposition group or a person nominated by him or her being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Democratic Services Manager. Further speakers shall then be called by the Mayor. Deleted: political
  - (e) One minute before the end of the relevant period allowed in paragraph (c) above, the Motion shall be put to the vote. Deleted: 20 minute
  - (f) Following the vote the process outlined above shall be repeated in respect of each of the motions selected by the other two leaders starting with the leader of the largest administration group. Deleted: of the second largest political group and then again in respect of the motion selected by the leader of the third largest political group.
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## COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL

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### 55. Appointment of and Changes to Alternate Members

- (a) Other than in the case of the Standards Committee, Full Council may appoint a first alternate member to attend, speak and vote in the absence of each member of a committee and a second alternate member to attend, speak and vote in the absence of each member and his or her first alternate, provided in either case that the alternate member is not already a member of the committee.
- (b) A parent committee may appoint alternate members to its sub-committees in the same manner as is described in (a) above.
- (c) If, apart from this part of the Standing Order, a person would otherwise be entitled to act at the same time as an alternate for more than one primary

member of the committee that person shall be the alternate for the member whose surname has alphabetical priority.

- (d) Any member acting as an alternate shall notify the meeting as soon as he or she arrives, and once the meeting has received such notification, that member shall be duly appointed for the remainder of the meeting (which, for the avoidance of doubt, includes a meeting adjourned to continue on a subsequent day) to the exclusion of the member for whom he or she is alternating.

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## 59. Quorum of Committees and Sub-Committees

Other than in the case of the Alcohol & Entertainment Licensing Sub Committees or the audit committee, no business shall be transacted at a meeting of a committee or sub-committee unless at least one quarter of the whole number of its members, or three members, whichever is greater, are present. In respect of the Alcohol & Entertainment Licensing Sub-Committees and the audit committee at least two members of the relevant sub-committee or committee must be present before business can be transacted at that meeting. After a meeting has commenced if at any time it becomes inquorate no further business shall be transacted and the meeting shall stand adjourned.

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## 67B. Audit Committee

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- (a) If the audit committee so agrees then any member of the Executive or any officer of the Authority (not normally below the level of director or service unit manager) shall, upon receiving reasonable notice so to do, (which will not normally be less than 2 weeks notice) attend a meeting of the committee to answer appropriate questions from the members of that committee on any matter falling within its remit.

- (b) The audit committee may decide to request the attendance of any other person, not covered by paragraph (a) above, at a meeting of the committee.

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## PETITIONS AND DEPUTATIONS

### 68. Petitions

- (a) Any person who wishes to submit a petition under these rules on their own behalf or on behalf of an organisation shall deliver it to the office of the Democratic Services Manager during office hours. This must be at least **8 days** before the relevant decision (if the petition concerns a specific decision) is due to be taken.
- (b) No petition shall go forward unless it concerns matters affecting the borough and is signed by at least 5 people, all of whom shall be registered electors in the borough.
- (c) The Democratic Services Manager will establish how many valid signatures the petition has.
- (d) Petitions with between **5 and 50** valid signatures:
  - (i) Any such petition shall be referred to the relevant Service Area or Corporate Director who will be responsible for ensuring that the petition is responded to and taken into account in the decision making process as appropriate;
  - (ii) In the case of any such petitions which relate to a matter which is or could be the responsibility of the Planning Committee the signatures may count as an objection to a development in which case the petition will be considered by the Planning Committee when it considers the matter in question. The Director of Environment and Culture shall decide whether the signatures count as an objection.
- (e) Petitions with 50 or more valid signatures:
  - (i) Any such petition shall be notified to the Chair of the Overview and Scrutiny Committee and to the relevant Service Area or Corporate Director;
  - (ii) Petitions concerning specific decisions planned to be made shall be referred to the decision maker. If the decision maker is a Council committee or sub-committee or the Executive rather than an individual then one person representing the petitioners will be entitled to address the planned meeting of the Council committee or sub-committee or the Executive (as the case may be) for up to 5 minutes concerning the petition. Petitions relating to specific decisions to be made by Full Council shall be considered by the next scheduled meeting of the General Purposes Committee or if the next meeting of the General Purposes Committee is scheduled to take place after the relevant meeting of the Full Council then it shall be considered by the Executive. The General Purposes Committee or the Executive as the case may be may, if it sees fit, make recommendations concerning that petition to Full Council.
  - (ii) Petitions not concerning specific decisions planned to be made shall be referred to the Executive or to the Council committee or sub-committee (if any) within whose terms of reference the subject matter of the petition falls as determined by the Borough Solicitor or Democratic Services Manager. If it concerns a decision that may be taken at a meeting on some future date then it shall be considered at

that future meeting. In all other cases it shall be considered at the next convenient meeting.

(f) At every Ordinary Council Meeting, a list of petitions will be circulated to members of the Council setting out the progress that has been made in dealing with those petitions received by the Council that have 50 or more valid signatures. The Mayor will refer to this list under the Mayor's Announcements. The list will contain the information set out below, provided this has been received by the Democratic Services Manager twelve or more days prior to the meeting.

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(g) The information to be included in the schedule described in the previous paragraph is as follows:

(i) the date the petition was received;

(ii) the name of the person who submitted the petition if a name was given;

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(iii) the subject of the petition;

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(iv) the terms of the petition;

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(v) the committee or person to whom the petition has been referred for action, the date of that referral, and the action taken by that body or person thus far.

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(h) Where the Executive or a Council committee or sub-committee considers a petition it shall note the petition and may:-

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(i) make a decision concerning the matter if it has sufficient information before it to do so. This will normally mean an officer's report;

(ii) refer it to the Overview and Scrutiny Committee, one of its sub-committees, or the Children and Families Overview and Scrutiny Committee for consideration;

(iii) call for an officer's report to be brought to a future meeting; or

(iv) refer it to the relevant officer for a formal response.

(i) Where the Overview and Scrutiny Committee, one of its sub-committees, or the Children and Families Overview and Scrutiny Committee consider a petition referred to it under (f) (ii) above they shall note the petition and may:-

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(i) call for an officer's report to be brought to a future meeting;

(ii) make recommendations to the Executive or the relevant referring committee concerning it; or

(iii) refer it to the relevant officer for a formal response.

(i) This Standing Order does not apply to the Alcohol and Entertainment Licensing Sub-Committees. Any petitions received in respect of any alcohol and entertainment license shall be dealt with as set out in the procedure for hearings relating to the Alcohol and Entertainment Licensing Sub-Committees.

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## **PART 5 – TERMS OF REFERENCE FOR COUNCIL COMMITTEES AND SUB-COMMITTEES**

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### **Quorum**

10. The quorum for all committees and sub-committees is one quarter of the number of the members on that committee or sub-committee (including voting co-opted members) or 3, whichever is the greater except where a lower quorum is specified within this constitution. In the case of the Standards Committee, the quorum must include an Independent Member and in the case of the Senior Staff Appointments Sub-Committee it must include a member of the Executive. In the case of the Alcohol and Entertainment Licensing Sub-Committees or the audit committee, the quorum must be at least two members.

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## **STANDARDS COMMITTEE**

### **Membership**

- The committee is comprised of 5 members.
- 3 members are elected councillors (one from each of the three largest political groups) and 2 are Independent Members, as defined in Section 53 of the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.
- The Leader shall not be a member of the committee.
- No more than 1 member of the Executive may be a member of the committee.
- The Chair shall be one of the Independent Members (but a non-executive member may chair a meeting in the absence of the Chair and Vice Chair if necessary).
- The quorum shall be 3 and must include an Independent Member, unless the Independent Members are required to withdraw from the meeting because of a prejudicial interest.

### **Terms of reference**

The committee is responsible for the following functions:-

1. To promote and maintain high standards of conduct by members including any co-opted members.

2. To assist members and co-opted members to observe 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 ("the Codes").
3. To advise the Council on the adoption or revision of the Codes.
4. To monitor the operation and effectiveness of, and compliance with, the Codes and to recommend changes.
5. To advise members and co-opted members on matters relating to the Codes and on any other matters related to their conduct and treatment of their personal interests.
6. To provide or arrange training for members and co-opted members on matters relating to the Codes.
7. To receive reports from the Monitoring Officer.
8. In accordance with the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002, to grant dispensations to councillors and co-opted members, in respect of participation in any business which they would otherwise be prohibited from participating in by virtue of any provision in the Brent Members Code of Conduct.
9. To be responsible for any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer or any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.

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## PERFORMANCE AND FINANCE SELECT COMMITTEE

### Membership

- The sub-committee is comprised of 8 councillors.
- None of the members shall be members of the Executive.
- The Chair and Vice Chair shall be appointed by the Overview and Scrutiny Committee in accordance with Standing Orders.
- The Chair shall be a member of the opposition.

### Terms of Reference

#### *Performance*

1. To scrutinise the performance of the Executive or any other part of the Council and any person or body carrying out any function on behalf of or in partnership with the Council.

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 <#>To determine and keep under review procedures to facilitate confidential reporting by employees of suspected fraud, corruption or any other wrongdoing.¶  
 ¶  
 <#>To consider and make reports to Council regarding the operation and effectiveness of, and compliance with, the Constitution and to recommend changes to it.¶  
 ¶  
 <#>To keep under review the handling of complaints administration and any reports from the Local Government Commissioner.¶  
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2. To consider reports or outcomes of service reviews such as best value reviews and to monitor progress in implementing any subsequent action plans.
3. To consider reports or outcomes of inspections by internal or external inspectors or auditors including those conducted as part of the Comprehensive Performance Assessment and Best Value.

#### Finance

4. To monitor:

- spend compared with budget.
- management of financial and other resources made available to the Council.
- property and asset acquisition and disposal and the capital programme.
- procurement and letting of contracts and the procedures and practice for doing so.

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#### General

5. To make recommendations to any other council body or to an officer on any matter this committee has considered on whether an in-depth review of an issue, matter or function considered by the sub-committee should be undertaken by a Task Group.

6. To consider any corporate or cross cutting issues relating to Human Resources and staffing issues.

7. To establish Task Groups.

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 5. To review and monitor the operation and effectiveness of risk management, internal control and internal and external audit.¶  
 ¶  
 <#> . To monitor the Council's progress in implementing its Annual Audit Plan.¶  
 ¶  
 <#>To consider reports or outcomes of audits and reviews conducted by internal and external auditors and to monitor implementation of any recommendations.¶  
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#### Limitation

The sub-committee may only consider matters relating to school education in so far as is necessary to enable the sub-committee to properly consider an issue or matter relating to some other function or functions of the Council.

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## GENERAL PURPOSES COMMITTEE

#### Membership

- The committee is comprised of 11 councillors.

#### Terms of Reference

1. Subject to paragraph 12 below, to carry out those functions specified in this Constitution as being the responsibility of the General Purposes Committee, except to the extent that those functions have been delegated to officers or sub-committees of the General Purposes Committee, including but not limited to: -

- (a) diverting, closing and creating footpaths, public rights of way and bridleways;
- (b) public path and railway extinguishments orders; and
- (c) agreeing changes to appointments to outside bodies.

2. To appoint its sub-committees as set out in the Constitution.

3. To set the Council Tax Base.

4. To approve the Authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts, as the case may be.

5. To determine the terms and conditions on which staff appointed by the Senior Staff Appointments Sub-Committee shall hold office, including procedures for their dismissal, and to determine the grading structure to be applied to posts appointed by the Senior Staff Appointments Sub-Committee.

6. To determine other matters involving the Council as an employer (excluding those matters relating to health and safety at work where the Council is acting in its capacity as an employer) including the overall framework of terms and conditions of service for employee.

7. To consider matters relating to union membership, negotiations and agreements and to develop relations with all staff unions.

8. To determine matters referred to it by the Director of Finance and Corporate Resources or the Pension Fund Sub-Committee concerning the Council's functions under the Local Government Pension Scheme.

9. To carry out any non-executive functions which are not the responsibility of any other person or Council committee or sub-committee, except where prevented by law from doing so or by any other provision in this Constitution.

10. To carry out any other functions which are non-executive functions and which have been delegated to its sub-committees or officers but which the relevant sub-committee or officer is for whatever reason unable or unwilling to so exercise.

11. To carry out the Council's regulatory functions under the health and safety legislation.

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## **AUDIT COMMITTEE**

### **Membership**

- The committee is comprised of 3 councillors (one from each political group).

### **Terms of Reference**

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<#>To conduct the annual review of the effectiveness of internal control.¶  
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<#>To agree the internal audit plan and to note the external audit plan.¶  
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### Audit Activity

1. To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed), and the strategic and annual audit plans, and consider the level of assurance these can give over the council's corporate governance arrangements.
2. To consider summaries of specific internal audit reports as appropriate.
3. To consider the annual review of the effectiveness of internal audit.
4. To consider, as required, reports from internal audit on agreed audit recommendations not implemented within a reasonable timescale.
5. To consider the external auditor's annual letter, relevant reports, and their report to those charged with governance.
6. To consider specific reports as agreed with the external auditor.
7. To comment on the scope and depth of external audit work and to ensure it gives value for money.

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### Regulatory Framework

1. To maintain an overview of the Council's constitution in respect of Contract Standing Orders and financial regulations.
2. To review any issue referred to it by the chief executive or a director, or any council body.
3. To monitor the effective development and operation of risk management and corporate governance in the Council.
4. To monitor council policies to facilitate confidential reporting by employees of suspected fraud, corruption or any other wrongdoing, the Council's anti-fraud and anti-corruption policies, and the council's complaints process.
5. To oversee the production of the Council's Statement on Corporate Governance and Internal Control and to recommend its adoption.
6. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
7. To consider the Council's compliance with its own and other published standards and controls.
8. To monitor the handling of any audit reports from the Local Government Ombudsman.

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### Accounts

1. To review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are

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concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

2. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

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## **PART 6 – OTHER RULES AND REGULATIONS**

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### **FINANCIAL REGULATIONS**

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#### **7.3 Audit Requirements**

7.3.1 The Chief Finance Officer will ensure that a strategic and annual audit plan is prepared by the Head of Audit and Investigations which takes account of the characteristic and relative risks of the activities involved. The Chief Finance Officer is responsible to the audit committee for ensuring that adequate arrangements are made for the effective delivery of this plan.

7.3.2 The Chief Finance Officer will ensure that members, in particular the audit committee, and chief officers receive suitable reports setting out the findings of internal and external audit reports.

7.3.3 The Chief Finance Officer, or authorised representative, shall have authority to:

- Enter any municipal building, land or area where records relating to any activity of the Council, its partners, contractors or any body partly or wholly funded by the Council, are, or may be, held. This includes all schools who receive funding from the Council. If necessary, to conduct searches of those areas, including cabinets, workspaces, desks for the purposes of locating documents or other material relevant to any matter under investigation. Where necessary to remove and examine IT equipment.
- Have access to all records, data, computer systems, correspondence and any other source of information relating to any matter under examination and remove any documents and records as deemed necessary. This will include documentation held by Council Officers in respect of organisations who are partners of the Council receiving funding from the Council or are providing services on behalf of the Council.
- Require and receive such explanations as are considered necessary concerning any matter under examination.

- Require any person holding or controlling cash, stores or any other Council property to produce such items for examination. These may be removed as deemed necessary.

7.3.4 Service Area and Corporate Directors must:

- consider and ensure Managers respond promptly to recommendations in both internal and external audit reports;
- ensure that agreed actions arising from the audit recommendations are carried out in a timely and efficient fashion;
- report to members the reasons for any failure by Managers to implement those audit recommendations.

7.3.5 Managers must ensure that new systems for maintaining financial records, or changes to such systems, are discussed and agreed by the Head of Audit and Investigations prior to implementation.

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## **PART 8 – MEMBERS’ ALLOWANCE SCHEME**

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### **SCHEDULE 1**

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<i>ALLOWANCE</i>	<b>Number of Posts/Amount</b>	<b>Total</b>
<b>BASIC</b> Payable to all Councillors	63 x 7,245	456,435
<b>SPECIAL RESPONSIBILITY</b> Only one special responsibility will be payable to any one member.		
<b>Post</b>		
Leader	1 x 33,120	33,120
Executive Members	1 x 23,184	135,792
Deputy Leader	8 x 14,076	
Other Executive Members		

ALLOWANCE	Number of Posts/Amount	Total
Chairs of the Overview & Scrutiny Committee, the Children and Families Overview and Scrutiny Committee, the Forward Plan Select Committee, the Performance and Finance Select Committee, the Health Select Committee, and the Budget Panel	6 x 4,492 [such amount to take effect from 15th September and to be reviewed by the Council at some future date with any increase backdated to that date should the Council so agree]	26,952
Chair of council committees <i>Planning</i> <i>General Purposes</i>	1 x 12,420 1 x 5,796	18,216
Chairs of consultative forums	<del>10 x 4,492</del>	<del>44,492</del>
Vice chairs of council committees <i>Planning</i>	1 x 1,987	1,987
Chair of General Purposes Licensing sub committee  Chair of Pension Fund sub committee	1 x 1,987  1 x 1,987	3,974
Group Leaders	3 x 11,903	35,709
Deputy Group Leaders	3 x 9,522	28,566
Group Whips	3 x 5,147	15,441
Members of Alcohol and Entertainment Licensing Committee	15 x 3,500	52,500
	<b>TOTAL for Basic and Special Responsibilities</b>	
<b>CIVIC RESPONSIBILITY</b>		
Mayor	<b>1 x 7,162</b>	7,162
Deputy Mayor	<b>1 x 5,271</b>	5,271
	<b>TOTAL</b>	<b>12,433</b>
<b>CO-OPTED AND INDEPENDENT MEMBERS</b>		

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ALLOWANCE	Number of Posts/Amount	Total
Voting co-opted members	4 x 207	828
Independent members	2 x 207	414
	TOTAL	1,242
<b>MAXIMUM TOTAL FOR SCHEME</b>		<del>867,287</del>

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*\*This figure represents the maximum indicative total cost of the scheme. Since members may only claim one SRA some of the allowances included in the scheme are not taken up and so the actual total cost of the scheme may be less than that shown above.*

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**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.

At least 5 clear days before the relevant meeting any non-executive member may notify the Democratic Services Manager that he or she would like to raise a supplementary question relating to the subject matter of his or her original written question provided the written question was submitted within the timescale specified in paragraph (b) above (whether or not a written response has already been provided to them under that paragraph (b)). Such notification shall be given to the Democratic Services Manager before 12 noon on the relevant day.

The Democratic Services Manager shall then prepare a list of the names of the members who have in accordance with paragraph (c) notified him or her of their request to ask a supplementary question (hereinafter referred to as "the list of names").

A total of ten members shall be invited to ask a supplementary question under this standing order such members to be selected from the list of names in accordance with the remaining provisions of this standing order but which will not include the councillors who will at the date of the relevant meeting be the Mayor and Deputy Mayor.



The Democratic Services Manager shall, as soon as the list of names has been prepared, select from it by way of random ballot the names of three members from the majority group who will be invited to ask a supplementary question provided that the Democratic Services Manager shall have given notice to the group offices of the date, time and place of the random ballot. The Democratic Services Manager shall notify those members forthwith that they have been selected.

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provided that those members have also served notice of their request to ask a supplementary question on the Democratic Services Manager in accordance with paragraph (c) above.

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provided that the member has also served notice of his or her request to ask a supplementary question on the Democratic Services Manager in accordance with paragraph (c) above.

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