

PART 2

WORKING DRAFT

- 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 [Audit](#)¹ 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.

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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

¹ [This amendment merely reflects the agreed terms of reference for the Audit Committee.](#)

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 18² at the date of nomination, citizenship and absence of any other disqualification.

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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.

² [This change reflects the new statutory age threshold.](#)

housing management service provider and the outgoing Chair and to elect a Chair and Vice-Chair.

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

SERVICE USER FORA

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

- [Brent Disabled User Forum](#)
- Private Sector Housing
- Pensioners
- Voluntary Sector Liaison
- Black and Minority Ethnic Forum

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Brent Disabled User Forum

Deleted: Disability and Mental Health

- 10.22 (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

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 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.
- (b) The purpose of the Panel is to make recommendations to the Assistant Director Family Support Social Care as to:
- (i) whether or not the child should be placed for adoption in accordance with Regulation 18 of the Regulations
 - (ii) whether any advice should be given to the agency in terms of the matters which fall to be considered under Regulation 18(3).
 - (iii) suitability of prospective adopters to adopt in accordance with the terms of Regulation 26 of the Regulations
 - (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).
 - (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.
- (c) Where recommendations are made in respect of an adoption with a foreign

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.

(a) The political balance requirements do not apply to such appointments.

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Current Joint Committees

12.3 The Council is a member of the following joint committees:

- [London Councils – The Leader's Committee](#)³
- [London Councils](#) Housing Unit [Joint](#) Committee
- [London Councils](#) Transport and Environment Committee
- [London Councils](#) Grants Committee
- Northwick Park Hospital Joint Overview and Scrutiny Committee

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³ [These changes merely reflect the recent name change from the ALG to London Councils](#)