

PART 5

TERMS OF REFERENCE FOR COUNCIL COMMITTEES AND SUB- COMMITTEES

Committee shall be resolved by the Chair of the Overview & Scrutiny Committee on advice from the Borough Solicitor.

Task Groups

7. The Select Committees (excluding the Forward Plan Select Committee), and the Children and Families Overview and Scrutiny Committee may, having taken account of any recommendations from the Overview & Scrutiny Committee, establish task groups.

Call in

8. The Forward Plan Select Committee or, in the case of call ins relating to matters within its terms of reference, the Children and Families Overview and Scrutiny Committee will consider any decisions called in for scrutiny under Standing Order 21.

Political Balance

9. The rules on political balance will apply to all committees and sub-committees except the Standards Committee.

Quorum

10. The quorum for ~~committees and sub-committees~~ is [set out in Standing Orders.](#)¹

Chair

11. The chairs and vice chairs of the overview and scrutiny committees and sub-committees shall be appointed in accordance with standing orders.
12. In the case of sub-committees the Chair and Vice Chair shall be appointed by the parent committee.
13. In the case of the Standards Committee, the Chair shall be one of the Independent Members and shall be appointed by Full Council.

Terms of Reference and Membership

14. The terms of reference and membership of the committees and any special rules relating to membership or chairing the meeting are set out below.

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Deleted: 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.

¹ [The quorum for committees and sub-committees is dealt with in Standing Orders and so has been deleted from this Part of the Constitution to avoid repetition and/or duplication. The reference to the Senior Staff Appointments Sub-Committee is dealt with in the terms of reference for that committee as it relates to membership of the committee rather than quorum.](#)

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 must include an Independent Member, unless the Independent Members are required to withdraw from the meeting because of a prejudicial interest.

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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.

AUDIT COMMITTEE

Membership

- The committee is comprised of 3 non-executive councillors ²

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Terms of Reference

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.

Regulatory Framework

8. To maintain an overview of the Council's constitution in respect of Contract Standing Orders and financial regulations.
9. To review any issue referred to it by the chief executive or a director, or any council body.
10. To monitor the effective development and operation of risk management and corporate governance in the Council.
11. 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.

² In reality the members will be drawn one from each group according to the usual rules for political balance so it is not necessary to restate this principle in the terms of reference. The statutory regime would take precedence over the terms of reference, if different.

12. To oversee the production of the Council's Statement on Corporate Governance and Internal Control and to recommend its adoption.

WORKING DRAFT

OVERVIEW AND SCRUTINY COMMITTEES AND SUB-COMMITTEES

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OVERVIEW AND SCRUTINY COMMITTEE

Membership

- The 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 Council in accordance with Standing Orders.
- The Chair shall be a member of the Opposition.

Terms of reference

The Overview & Scrutiny Committee shall perform the following functions, either directly or through its sub-committees. These functions are subject to the limitations set out below.

1. To scrutinise the decisions made or other action taken in connection with the discharge of any of the authority's Executive functions.
2. To scrutinise the performance of the Executive, both in relation to individual decisions and over a period of time.
3. To review and scrutinise the decisions and performance of the Council.
4. To assist the Council and the Executive in the development of the Authority's Policy Framework and Budget by in-depth analysis of policy issues.
5. To conduct research and community and other consultation, in the analysis of policy issues and possible options.
6. To consider and recommend mechanisms to encourage and enhance community participation in the development of policy options.
7. To consult with external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by partnership and collaborative working.
8. To review the performance of partners and other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee about their activities and performance.
9. To carry out Best Value reviews if requested to do so by the Executive.
10. To review the decisions and performance of the Executive and other parts of the Council and to make reports and/or recommendations to the Council in connection with the discharge of Council functions and to the Executive in connection with the discharge of Executive functions, or to their respective committees or sub-committees as the case may be.

GENERAL PURPOSES COMMITTEE

Membership

- The committee is comprised of 11 councillors.

Terms of Reference

1. Subject to paragraph 10, 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) ³closing 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.

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³ [Part 4 of the Constitution sets out the functions which cannot be carried out by the Executive. Functions relating to public rights of way are covered by Part I in the relevant table. This provides that in most cases the functions will be carried out by the General Purposes Committee but in the case of footpath diversions the table is silent, meaning they can be dealt with by officers. The amendment shown here makes it clear that the diversion of footpaths can be dealt with by officers.](#)

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

Membership

- The Committee is comprised of 15 members.

Terms of Reference

1. To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 [and the Gambling Act 2005](#)⁴, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement [under either Act and the making of a resolution not to issue a casino premises license under section 166 of the Gambling Act](#).
2. To establish and appoint to sub-committees to determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, police objections to temporary event notices and any applications requiring a hearing [under the Act and to determine matters under the Gambling Act 2005 regarding premises licenses, provisional statements, variations of premises licenses, transfers of premises licenses, reviews of premises licenses and any applications requiring a hearing under the Act](#).
3. To arrange for the discharge of the functions governed by the Licensing Act 2003 [and the Gambling Act 2005](#) by its sub-committees or by officers except where prohibited [from doing so by those or any other statutory provision](#).
4. To receive and consider annual reports, where appropriate, on the needs of the local tourist economy, employment and investment in the area and any other matter directly related to the licensing functions in the borough.
5. To direct officers to report to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

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⁴ [These changes are required by law](#)

Alcohol and Entertainment Licensing Sub-Committee 'A' / 'B' / 'C'

Membership

- Each sub-committee is comprised of 3 members drawn from the Alcohol and Entertainment Licensing Committee.
- Alternate members shall also be drawn from the Alcohol and Entertainment Licensing Committee.

Terms of Reference

Licensing Act 2003

1. To determine applications for personal licences where the police have served an objection notice.
2. To determine applications for premises licences, club premises certificates and provisional statements where a relevant representation is made.
3. To determine applications to vary premises licences and club premises certificates where a relevant representation is made.
4. To determine applications to vary a designated premises supervisor where a police objection is received.
5. To determine applications for transfer of a premises licences where a police objection is received.
6. To determine applications to review premises licences and club premises certificates.
7. To determine applications for interim authorities where a police objection is received.
8. To determine a police objection to a temporary event notice.

Gambling Act 2005

9. To determine applications for premises licences and provisional statements where representations have been made
10. To determine applications for variation of premises licences where representations have been made.
11. To determine applications for transfer of premises licences where representations from the Gambling Commission are received.

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12. To review premises licences under section 201.

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General

13. To determine any application or variation which is capable of being determined by officers but which the Director of Environment and Culture considers appropriate for the Sub-Committee to consider.

WORKING DRAFT

JOINT COMMITTEES

1. INTRODUCTION

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

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The Council has also established a joint Overview and Scrutiny Committee with the London Borough of Harrow and other Councils being consulted on the proposals to rebuild Northwick Park Hospital.

2. LONDON COUNCILS COMMITTEE (KNOWN AS THE LEADERS' COMMITTEE)

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Membership

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

Terms of Reference

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

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

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

Rules of Procedure

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

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3. LONDON HOUSING UNIT COMMITTEE

Membership

- The London Boroughs of Barking and Dagenham, Barnet, Harrow, Brent, Camden, City of Westminster, Croydon, Ealing, Enfield, Greenwich, Hackney, Hammersmith & Fulham, Haringey, Havering, Hillingdon, Hounslow, Islington, Kensington & Chelsea, Lambeth, Lewisham, Merton, Newham, Redbridge, Richmond Upon Thames, Southwark, Tower Hamlets, Waltham Forest and Wandsworth have each appointed one councillor as a member of the London Housing Unit Committee.

Terms of Reference

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

1. To assist Constituent Councils to discharge their statutory housing functions.
2. To assist with the housing functions of councils generally.
3. The activities of the Committee shall include:
 - (a) provision, organisation and co-ordination of housing publicity and information on issues relevant to member authorities;
 - (b) research and analysis on housing matters;
 - (c) evaluation and analysis on housing policy and service issues; and
 - (d) other appropriate activities consistent with or contributing to the housing duties and functions of the Constituent Councils.
4. To carry out investigations into and the collection of information relating to the housing functions of the Constituent Councils and the housing activities of other appropriate bodies.