

PART 1

Table 6	List of functions that may only be exercised by Full Council
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Part 5 Terms of Reference of Council Committees and Sub-Committees

Standards Committee & its sub-committees¹
 Audit Committee
 Overview and Scrutiny Committee
 Children and Families Overview and Scrutiny Committee
 Forward Plan Select Committee
 Performance and Finance Select Committee
 Health Select Committee
 Budget Panel
 General Purposes Committee
 Senior Staff Appointments Sub-Committee
 Staff Appeals Sub-Committee A & B
 Schools Disciplinary Sub-Committee
 General Purposes Licensing Sub-Committee
 Pension Fund Sub-Committee
 Planning Committee
 Alcohol and Entertainment Licensing Committee
 Alcohol and Entertainment Licensing Sub Committees A, B and C
 Joint Committees

Part 6 Other Rules and Regulations

1. Access to Information Rules
2. Financial Regulations
3. Scheme of Transfers and Virements

Part 7 Codes and Protocols

1. Brent Members Code of Conduct
2. Planning Code of Practice
3. Licensing Code of Practice
4. Officer Code of Conduct to follow
5. Code of Corporate Governance
6. Code of Practice on Publicity
7. Protocol for Member/Officer Relations
8. Protocol for Members on outside bodies to follow
9. Protocol on Members Rights of Access to Information

Part 8 Members Allowance Scheme

¹ Throughout this appendix references to the Standards Committee's new sub-committees have been inserted to ensure that the same rules that apply for the Standards Committee will also apply to the sub-committees where appropriate. To avoid repetition, unless the change represents a more significant change than that they will not be footnoted with an explanation.

- contribute to reviews conducted by the Overview and Scrutiny Committees and/or their sub-committees or task groups;
- find out, from the Executive's Forward Plan, what Key Decisions are to be discussed by the Executive or decided by the Executive, its committees or officers, and when;
- attend meetings of the Executive or its committees when Key Decisions are being made, or discussed with officers present, except where exempt or confidential information is being discussed;
- see reports and background papers, and any record of decisions made by the Council and the Executive;
- complain to the Council about its service provision;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Standards Board for England Committee² if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

12. Rules of Procedure

The Council has adopted rules of procedure called Standing Orders which give effect to the general principles set out in the Articles and govern the conduct of Council business. These are set out in Part 3 of this Constitution. The Standing Orders cover the rules of debate and procedure for the conduct of meetings of Full Council and its various committees. There are also provisions relating to the Executive, the Overview and Scrutiny Committees and their sub-committees, ~~and the Standards Committee and its sub-committees~~ and the Audit Committee. There are separate Standing Orders relating to Staff and Contracts.

The Council has also adopted Financial Regulations which govern financial management and control within the Council. These are contained in Part 6 of this Constitution.

13. Responsibility for Functions

The functions of the Council are generally divided between Full Council and its committees and the Executive and its committees. This is either as a matter of law or where there is a choice, as set out in this Constitution. Officers may also carry out certain functions of the Council under powers delegated to them by Full Council or the Executive. Part 4 of this Constitution sets out in detail the division of functions between the Executive and the Council and the scheme of delegation to officers and committees and sub-committees.

14. Access to Council Meetings and Documents

² As of 8 May 2008 the Standards Committee has replaced the Standards Board as the body that complaints about members conduct are made to.

provides a choice, under the Constitution. The division of functions between the Executive and the Council are set out in Part 4 of this Constitution.

Generally, the division of functions between the Executive and the Council is:

- (a) Determination of the Authority's budget, policies and strategies as set out in the Budget and Policy Framework are the responsibility of Full Council;
 - (b) Functions which will involve either determining an application from a person for a licence, approval, consent, permission or registration or direct regulation of a person together with any related enforcement actions (including prosecution) are the responsibility of the Council. Functions involving staffing issues and other specific matters as set out in Part 4 of the Constitution are also the responsibility of the Council. These functions will be carried out by officers or one of the Council's committees. They cannot be carried out by the Executive; and
 - (c) All other functions are to be the responsibility of the Executive. This includes making decisions on education, social services, most (but not all) highways and parking matters and housing functions. The Executive will award contracts, dispose of assets and will develop the policies to be approved by the Council.
- **Exempt Information** means information falling within the 7 categories set out in Schedule 12A of the Local Government Act 1972 and subject to the relevant qualifications set out in that schedule and, in the case of the Standards Committee and its sub-committees, the further categories of information set out in the Relevant Authorities (Standards Committee) Regulations 2001. These rules are explained further in the Access to Information Rules, which form part of this Constitution.
 - An **Extraordinary Meeting** is a meeting of Full Council called by the Mayor. However, if the Mayor refuses to call an Extraordinary Meeting or does not do so within seven days after a request by five Councillors any five councillors may call an Extraordinary Meeting of Full Council.
 - The **Financial Regulations** are contained in Part 6 of this Constitution and set out the rules and procedure, which govern financial management and control within the Council.
 - The **Forward Plan** is a document prepared by the Democratic Services Manager on behalf of the Leader which contains details of all the matters likely to be the subject of Key Decisions to be taken by either the Executive or its Highways Committee or other committees or officers and may also include other important decisions to be taken by the Council, its committees or officers over the next four months.
 - A meeting of **Full Council** is a meeting to which all 63 councillors of the Authority are invited to attend.
 - The **Head of Paid Service** is the officer appointed by the Authority in accordance with section 4 of the Local Government and Housing Act 1989 who has overall corporate management and operational responsibility within the

Council. In the London Borough of Brent the Head of Paid Service is the officer appointed to the position of Chief Executive.

- An **Independent Member** is a member of the Standards Committee and/or its sub-committee who is not a councillor or officer of the Council or any other body having a Standards Committee.
- A **Joint Committee** is a committee comprising members of two or more local authorities created under section 102(1) of the Local Government Act 1972.
- The term **Key Decision** is defined in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000. In Brent the Council will treat as a Key Decision all decisions taken at a meeting of the Executive or a committee of the Executive whether or not the decision would be classed as a Key Decision according to the statutory definition. Further, an officer decision will be a Key Decision if it relates to an Executive function and 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 one or more wards or electoral divisions in the area of the local authority (notwithstanding that the statutory definition specifies an area comprising two or more wards).

Thus, the Brent definition of a Key Decision is more generous than the statutory definition. Further guidance on Key Decisions is included in the Access to Information Rules which form part of this Constitution.

- The **Leader** is a councillor, not being the Mayor or Deputy Mayor, elected by the Council to the position of Leader of the Executive.
- The **Licensing Code of Practice** means the document which has been adopted by the London Borough of Brent to regulate the performance of its licensing function. The main objectives of the Code are to guide Members and officers of the Council in dealing with licensing related matters and to inform potential licensees and the public generally of the standards adopted by the Council in the exercise of its licensing powers.
- **Mayor** means a councillor, not being a member of the Executive, elected by the Council at the Annual Meeting to the position of chair of the Council. The Mayor, if present at a meeting of the Council, will preside and have a second or casting vote in the event of equality of votes on any question coming before a meeting of the full Council.

The Mayor of Brent Council is a symbol of the Authority and as such, the Mayor will normally carry out the ceremonial duties of the Council.

In addition to his or her roles and duties as a councillor, the Mayor will have the additional responsibilities set out in Article 5 of this Constitution.

- **Member** means a councillor generally or in relation to a committee or sub-committee a member of that committee or sub-committee.

- The **Policy Framework** means the plans, policies and strategies set out in Table 3 of Part 4 of this Constitution.
- **Portfolio** refers to the key responsibilities or roles allocated to an Executive Member by the Leader.
- **Proper Officer** has a statutory definition in section 270(3) of the Local Government Act 1972 and means, in relation to any purpose, the officer appointed for that purpose by the Authority or for that area, as the case may be. A non-exclusive list of the Proper Officers can be found in Table 5 of Part 4 of this Constitution.
- A **Protocol** is a document forming part of the Constitution which sets out a guide to the way certain individuals and groups interact with each other. They are not rules but they do give guidance on how things should operate.
- The **Section 151 Officer** is the officer appointed in accordance with section 151 of the Local Government Act 1972 and who has responsibility for the administration of the financial affairs of the authority. This position is also known as the Chief Finance Officer and in Brent the position is held by the Council's Director of Finance and Corporate Resources.
- A **Select Committee** is a sub-committee of the Overview and Scrutiny Committee which is established to consider matters within its terms of reference but with a particular emphasis on taking evidence from others on matters within its remit. The sub-committees are politically balanced.
- The Council has four **Service Areas**. These are Children and Families, Housing and Community Care, Environment and Finance and Corporate Resources.
- **Service Area Directors** are those officers who are directors of the Council's service areas.
- **Service Unit Directors or Managers** are those officers who are directors or managers of the various service units which make up the service areas.
- The **Standards Committee** is a committee established pursuant to section 53 of the Local Government Act 2000. It consists of three Councillors (only 1 of whom may be a member of the Executive), other than the Leader, elected to the Standards Committee by the Full Council and at least two Independent Members. The Standards Committee and its sub-committees are ~~is~~-chaired by ~~one of the~~ Independent Members³. The mandatory responsibilities of the Standards Committee are set out in ~~section 54(1) of the~~ Local Government Act 2000 as:
 - (a) Promoting and maintaining high standards of conduct by the members and co-opted members of the Authority; and
 - (b) Assisting members and co-opted members of the Authority to observe the Authority's code of conduct.

³ In order to appoint an alternate Independent Member of the Standards Committee the number of Independent members that the Council can appoint must be increased. Some flexibility has been introduced so that Council may appoint more Independent Members if the workload from the new ethical standards framework is higher than expected.

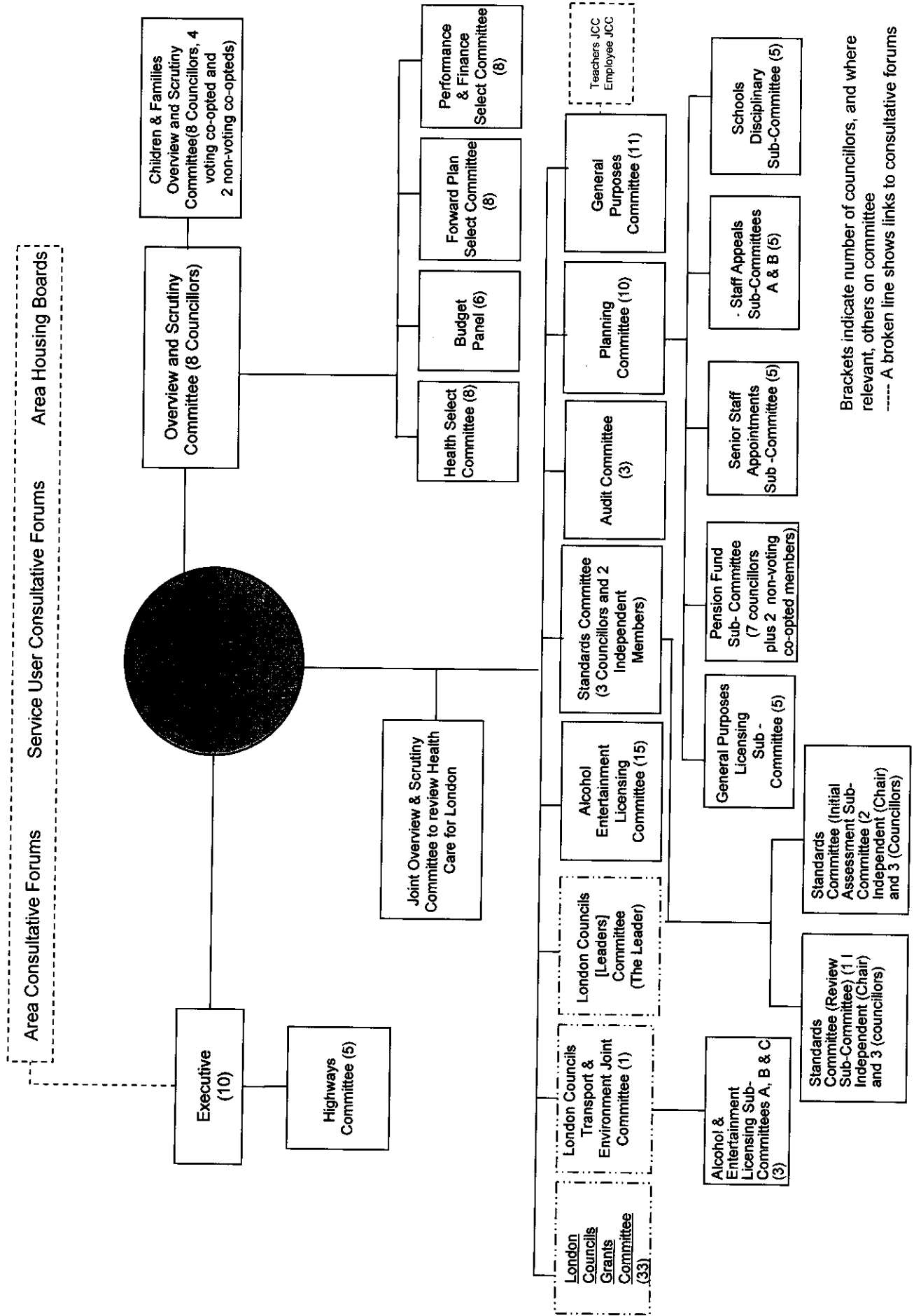
(c) Considering any complaint that a member has breached the Council's Code of Conduct⁴.

The full terms of reference for the Brent Standards Committee and its sub-committees are set out in Part 5 of this Constitution.

- **Standing Orders** are rules which the Council has adopted to regulate its business and proceedings. There are also separate Standing Orders relating to the appointment and dismissal of staff and the process leading up to and the making of contracts. These are set out in Part 3 of this Constitution.
- A **Sub-Committee** is a group of members (including where appropriate co-opted members) appointed by a committee to take responsibility for one or more aspects of its functions or function.
- **Task Groups** are groups created to undertake time-limited and task focused reviews and to report back to the body that created them.

⁴ This has been included here as this new function is now a key and high profile function of the Standards Committee

LONDON BOROUGH OF BRENT DECISION MAKING STRUCTURE CHART



PART 2

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 and its sub-committees and Children and Families Overview and Scrutiny Committee.
- 2.9 The membership of the Standards Committee includes at least¹ 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 Children and Families Overview and Scrutiny Committee includes four voting and two non-voting education co-opted members. More information regarding the role of the education co-opted members 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.

¹ Refer to previous notes on the need to increase the number of Independent Members on the Standards Committee

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 Committee², about a breach by any members or voting co-opted members of the Brent Members' Code of Conduct.

² This change is required as a result of the legislative change

Article 9 – The Standards Committee & its Sub-Committees

Standards Committee

9.1 The Council has established a Standards Committee.

9.2 The Council has also established two sub-committees of the Standards Committee:

- The Standards (Initial Assessment) Sub-Committee; and
- The Standards(Review) Sub-Committee³.

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
- a minimum of⁴ two people who are not councillors or officers of the Council or any other body having a standards committee (Independent Members).

9.3 The members of the sub-committees must be members of the Standards Committee and each sub-committee shall consist of:

- three councillors (but not more than 1 member of the Executive); and
- one Independent Member⁵.

9.6 Independent Members will be entitled to vote at meetings of the Standards Committee and at meetings of the sub-committees.

Chairing the Committee & Sub-Committees

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

9.5 An Independent Member will be appointed to chair each sub-committee⁶.

Quorum

9.5 The quorum for the Committee and the sub-committees is 3 and this must include an Independent Member unless they have withdrawn from the meeting due to a prejudicial interest and at least one elected member.

Role and Function

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

³ This reflects the ne structure that will be in put place following the changes to the Constitution and the appointment of the sub-committees by the Standards Committee.

⁴ This reflects the increase in the number of Independent Members.

⁵ This reflects the statutory requirement for a quorum.

⁶ Regulations require an Independent Member to chair each sub-committee.

- (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.
- (e) considering applications for exemption from political restriction made under section 3 of the Local Government and Housing Act 1989.
- (f) receiving and considering complaints about members conduct under the Local Government Act 2000.
- (g) appointing sub-committees of the Standards Committee and setting the terms of reference for those sub-committees⁷.

⁷ This change to functions of the Standards Committee reflects the legislative powers of the Standards Committee to receive all complaints about members conduct and also to appoint its own sub-committees.

Director of Children and Families	Director of Children's Services
Director of Housing and Community Care	Director of Adult Social Services

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 to him or her by the Standards Committee or ¹⁰by an 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

¹⁰ This reflects the new power of the Standards Committee to refer a complaint about a members conduct to the Monitoring Officer for investigation. Previously only an ethical standards officer could do this.

PART 3

COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL

52. Standing Orders to apply to Council Committees and Sub-Committees

- (a) The Standing Orders shall, where appropriate, apply with suitable modifications to meetings of committees and sub-committees of the Council except to the extent specified herein or to the extent that they are not necessary or relevant or would conflict with any other requirement in the Constitution in relation to that meeting including any code of conduct or code of practice.
- (b) In the event that there is any disagreement as to whether or not any part of these Standing Orders should or should not apply to a meeting of a committee or sub-committee whether with or without suitable modification the question shall be determined by the Chair on the advice from the Borough Solicitor or the Democratic Services Manager or their representatives.

53. Appointments to and chairs of Council Committees and Sub-Committees

- (a) Full Council may appoint such Council committees as it is required or permitted to appoint, such committees to be set out in Part 5 of the Constitution, together with their terms of reference and the number of members to be appointed.
- (b) Full Council shall, appoint a Chair for each of the Council Committees and if it so wishes a Vice Chair. The Chair of the main Overview and Scrutiny Committee, and the Forward Plan Select Committee shall be a member from the opposition and the vice chairs of the overview and scrutiny committees and sub-committees shall not be from the same political group as the chair.
- (c) Full Council may at any time dissolve a committee or remove any of its members or change the size of its membership.
- (d) Other than in the case of the Alcohol & Entertainment Licensing sub-committees and the Standards Committee sub-committees, Full Council shall determine the extent to which any functions may be exercised by any sub-committee and the terms of reference will be set out in Part 5 of the Constitution. In the case of the Alcohol and Licensing sub-committees the Alcohol & Entertainment Licensing Committee will determine the extent to which any functions may be exercised by them and will agree their terms of reference and in the case of the Standards Committee sub-committees the Standards Committee will determine the extent to which any functions may be exercised by them and will agree their terms of reference.
- (e) Appointment of the Council's sub-committees and agreeing the number of members to be appointed shall be by the parent committee and the Chair and (if considered necessary) Vice Chair of the sub-committees shall be appointed by the parent committee.
- (f) No councillor may be appointed to any committee or sub-committee so as to hold office later than the next Annual Meeting or the meeting of Full Council which meets after the next Annual meeting to agree appointments to committees.
- (g) Co-opted members may be appointed to committees and sub-committees in accordance with the rules for membership for committees and sub-committees contained in Part 5 of the Constitution.

¹ Regulations require the Standards Committee to set up the new sub-committees and their terms of reference. This change reflects those new Regulations.

54. Independent Members

- (a) The Full Council shall appoint at least 2 Independent Members to its Standards Committee one of whom shall be appointed as Chair and may appoint one or more Independent Members to be alternates to the Standards Committee².
- (b) The Independent Members shall hold office for up to two years or until the date of the Annual Meeting nearest to the expiry of that two year period (or until the date of the meeting of Full Council that takes place after that Annual meeting to agree appointments to committees). Such appointments shall be subject to confirmation by Full Council at each Annual Meeting that follows the appointment (or at the meeting of Full Council that takes place after the Annual Meeting to agree appointments to committees as the case may be).
- (c) No Independent Member appointed by Full Council shall be entitled to act as an Independent Member until they have delivered to the Monitoring Officer a signed undertaking agreeing to be bound by the Brent Members Code of Conduct and shall register any interest which by that Code they are required to so register in the Register of Member Interests.
- (d) The Independent Members shall not take their place on the Standards Committee or one of its sub-committees unless and until they have given the undertaking required to be given in accordance with paragraph (c) above.
- (e) If the Independent Members fail or refuse to notify the Democratic Services Manager of any change to the information contained in the Register of Member Interests within a period of 28 days of the occurrence of the change, he or she shall be removed from the Standard Committee.

55. Appointment of and Changes to Alternate Members

- (a) ~~³Other 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

² This amendment makes it clear that the Council may appoint an Independent Members as an alternate and removes the restriction on the amount of Independent Members that the Council may appoint so that a third (alternate) Independent Member may be appointed.

³ This amendment removes the restriction that prevented Council from appointing alternates to the Standards Committee.

doubt, includes a meeting adjourned to continue on a subsequent day) to the exclusion of the member for whom he or she is alternating.

56. Special Meetings of Committees or Sub-Committees

The Chair of a committee or sub-committee, or in the absence of the Chair, the Vice Chair may, if necessary, call a meeting of that committee or sub-committee at any time. A meeting of a committee or sub-committee may also be called upon the requisition of a quarter of the whole number of the committee or sub-committee (including any voting co-opted members), delivered in writing to the Democratic Services Manager provided that the number of members so calling the meeting shall not be less than 3. Meetings called under this Standing Order shall be known as a Special Meeting.

57. Adjournment and Cancellation of Meetings of Committees and Sub-Committees

- (a) The Chair of a committee meeting may specify a time at which the committee shall adjourn for twenty minutes or two times at which the committee shall adjourn for ten minutes save that in the case of the Alcohol and Entertainment Licensing Sub-Committee and the General Purposes Licensing Sub-Committee, the person chairing the meeting may adjourn a hearing for any period, or to a new date that they deem necessary.
- (b) The Chair, or in the absence of the Chair, the Vice Chair may authorise the cancellation of a meeting of a committee or sub-committee on the grounds of lack of business. He/she may postpone and rearrange the date and/or time of a meeting of a committee or sub-committee after consultation with the Democratic Services Manager.

58. Chairing Meetings of Committees and Sub-Committees

- (a) The Chair shall preside at meetings of committees and sub-committees. If the Chair is not present for a meeting then the Vice Chair shall chair it but if the Chair arrives then he or she shall take over chairing the meeting at a convenient moment. If neither the Chair or Vice Chair are present at a meeting then the Chair for that meeting shall be elected by the persons present but if the Chair or in his or her absence the Vice Chair arrives then he or she shall take over chairing the meeting at a convenient moment.
- (b) For the purpose of this Standing Order the word "present" means physically present in the room in which the meeting is to take place.

59. Quorum of Committees and Sub-Committees

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 voting members, or three of its voting members, whichever is greater, are present ("the quorum") save that in respect of the Standards Committee and its sub-committees, the quorum shall include one of the independent members of the committee (except as otherwise provided for in the terms of reference for that committee) and one of the elected members of the committee⁴ and in respect of the Alcohol & Entertainment Licensing Sub-Committees and the Audit Committee the quorum shall be two.

⁴ Regulations and the Council's terms of reference require the quorum to contain at least one Independent Member and one elected member.

any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the Committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his or her representative prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with calling members of the public to speak on that matter.

62. Members rights to attend and speak at Committees

- (a) Subject to (c) below members of the Council shall be entitled to attend meetings of Council committees and sub-committees of which they are not members other than the Senior Staff Appointments Sub-Committee, the Staff Appeals Sub-Committees and the Schools Disciplinary Sub-Committee.
- (b) Members attending meetings of committees or sub-committees of which they are not members shall not be entitled to speak except with the permission of the Chair and in no case shall they be entitled to vote. However, at meetings of the Alcohol and Entertainment Licensing Sub-Committees, only members who have made relevant representations or are representing an interested party, will have the right to speak. They will not have the right to vote at such meetings.
- (c) Members may be excluded from a meeting of a committee or sub-committee of which they are not a member if the meeting has excluded the press and public during consideration of any confidential or any exempt information listed in paragraphs 1 to 6, 9, 11, 12 and 14 of the Table set out in the Access to Information Rules.

63. Requirement to Attend Entire Meeting

- (a) No member shall be entitled to take part in or vote at a meeting of the Senior Staff Appointments Sub-Committee, the Schools Disciplinary Sub-Committee or the Staff Appeals Sub-Committee unless the member is present for the entire meeting.
- (b) No member shall be entitled to vote on any item being considered by the Planning Committee, the Licensing Sub-Committee and the Alcohol and Entertainment Licensing Sub-Committees unless the member is present for the entire discussion of that item.
- (c) No member of the Standards Committee or one of its sub-committees shall be entitled to take part in or vote on any item relating to the conduct of individual members of the Council unless the member is present for the entire discussion of that item.

- (i) the meeting shall identify those items of business to be transacted;
 - (ii) unless the meeting decides otherwise, the items of business so identified will be taken in the order determined by the last procedural resolution establishing the order of business, or, in the absence of such a procedural resolution, in the order set out in the agenda accompanying the summons for the meeting;
 - (iii) members will be permitted to ask questions of officers but will not be allowed to make speeches unless the meeting decides otherwise.
- (d) The Planning Committee, the Alcohol & Entertainment Licensing Sub-Committees, the General Purposes Licensing Sub Committee and the Standards Committee and its sub-committees may by majority vote taken no later than 10.30pm, decide to:-
- (i) fix such time as they may choose for the transaction of business to end provided that no business shall be transacted later than midnight; and/or
 - (ii) disapply the guillotine procedure entirely or fix such later time as they may choose for that procedure to commence.
- (e) Paragraph (c) above shall not apply to:- (i) meetings of the Senior Staff Appointment Sub-Committee, the Staff Appeals Sub-Committees, or Schools Disciplinary Sub-Committee; and
- (i) any meeting of a committee called to determine the size and political balance or membership of one or more of its sub-committees or to remove or appoint the Chair or Vice Chair of such a sub-committee.
- (f) Any items not dealt with at the time a meeting closes shall be considered at the next meeting of the same committee or sub-committee or at such earlier meeting of that committee or sub-committee as the Chair shall determine.
- (g) Where a meeting is adjourned to a subsequent day to transact remaining business, the committee or sub-committee shall, notwithstanding that adjournment, have power to deal with the business in question at any earlier meeting on the summons or agenda for which the relevant business is specified.

67. Minutes of Committees and of Sub-Committees

- (a) Minutes of each committee or sub-committee meeting shall be put before the next suitable meeting of that committee or sub-committee for approval as a correct record. No discussion shall take place upon the minutes except as to their accuracy and as soon as they are approved as a correct record the Chair shall sign them.
- (b) Minutes of each sub-committee meeting shall be submitted to the next suitable meeting of the relevant parent committee for information.
- (c) Under "Matters Arising from the Minutes" members may seek information on the current position but no motion to vary or rescind the minutes nor any other motion may be permitted.
- (d) Minutes taken at hearings of the Alcohol & Entertainment Licensing Committee and Sub Committees must be kept for 6 years from the date of the Sub

- (f) At every Ordinary Council Meeting, a list of petitions containing 50 or more valid signatures will be circulated to members of the Council setting out the progress that has been made in dealing with those petitions. 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.
- (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;
 - (iii) the subject of the petition;
 - (iv) the terms of the petition;
 - (v) the name of 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.
- (h) Where the Executive or a Council committee or sub-committee considers a petition it shall note the petition and may:-
- (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:-
- (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.
- (j) 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.

69. Deputations

- (a) With the exception of the Standards Committee and its sub-committees, the General Purposes Licensing Sub-Committee, the Alcohol & Entertainment Licensing Sub-Committees and the Planning Committee the first 20 minutes of

every Council committee or sub-committee meeting (or such shorter time as is required) shall be allocated to receive deputations under this rule which shall be permitted where the following are met:

- (i) the committee or sub-committee has voted by a simple majority to receive such deputation;
 - (ii) the subject of the deputation is one which is on the agenda of the meeting concerned; and
 - (iii) notice of the deputation has been given to the Democratic Services Manager or his or her representative at least 24 hours before the start of the relevant meeting.
- (b) In respect of each deputation received, one person representing the deputation will be entitled to address the meeting for up to 5 minutes.

SEALING AND SIGNING OF DOCUMENTS

71. Custody of Seal

The common seal of the Council shall be kept in a safe place in the custody of the Borough Solicitor and shall be secured by two different locks, the keys or combination of which shall be kept by the Borough Solicitor provided that the Borough Solicitor may entrust the keys or combination temporarily to another officer of the Council.

72. Sealing of Documents

- (a) The Common Seal of the Council shall not be affixed to any document unless the transaction or decision to which the document gives effect is authorised by a person or body in accordance with the Constitution and is confirmed as being so authorised by the Borough Solicitor or a member of his or her staff or a person nominated or authorised by him or her for that purpose.
- (b) The seal shall be attested by the Borough Solicitor or a deputy or other person duly authorised by the Borough Solicitor for that purpose and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by the person who has attested the seal.

73. Contracts, agreements or transactions to be in writing and/or under seal

- (a) All contracts, agreements or transactions

(i) in respect of which there is no consideration; or

(ii) ~~that relate to the provision of goods or services by the Council to another body and which exceed £150,000 in value over the life of the contract; or~~

that exceed £500,000 in value over the life of the contract including contracts where the Council is providing goods, services or works to another body⁵; or

(iii) which are grants that exceed the sum of £150,000

must be executed as a deed under seal in accordance with these Standing Orders.

- (b) Any other contract, agreement or other transaction which is:

(i) £150,000 in value or more (in money or money's worth); or

(ii) relates to land or property

shall be in writing and shall EITHER be executed as a deed under seal in accordance with these Standing Orders OR be signed by two officers who are either Chief Officers or officers duly authorised in accordance with the

⁵ This amendment is to ensure that Constitutional requirements are consistent. The amended contact value reflects the minimum value stated in Financial Regulation 6.3.4 of Part 6 of the Constitution for the sealing of contracts where the Council is providing goods or services externally and the minimum value for the sealing of any contract for the Council's purchase of goods and services – see standing order 73(a)(iii) above.

writing by the Director of Finance and Corporate Resources and the Borough Solicitor.

86. Contracts not subject to full tendering requirements

- (a) Certain contracts as set out in this Standing Order listed below, are not subject to the full tendering requirements of these Contract Standing Orders but are subject to any other relevant parts thereof.
- (b) No formal tendering procedures apply to Low Value Contracts except that at least three written quotes must be sought and the quotes sought and/or obtained shall be recorded.
- (c) Contracts which are procured using the corporate Approved List in accordance with the rules prescribed pursuant to Standing Order 97 are not subject to full tendering requirements.

(d) Subject to the proviso below No formal tendering procedures apply where contracts are called off under:

- (i) a Framework Agreement established pursuant to these Standing Orders; or
- (ii) a Framework Agreement established by another contracting authority , where call off under the Framework Agreement is recommended by the relevant Chief Officer PROVIDED that the Borough Solicitor has advised that participation in the Framework Agreement is legally permissible and that approval to participate has been obtained from the Director of Finance and Corporate Resources. Advice from the Borough Solicitor and approval to participate from the Director of Finance and Corporate Resources must be obtained each and every time a call off under another contracting authority's Framework Agreement is recommended by the relevant Chief Officer⁶.

Save that any high value contract may only be awarded on the approval of the Executive as required by paragraph 2.5 of Part 4 of the Constitution⁷.

- (e) Subject to complying with any relevant parts of the European Procurement Legislation, Tenders need not be invited nor quotes sort:
 - (i) where for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the services, supplies or works may only be provided by a particular provider or where there is only one provider who would be able to provide the services, supplies or works required PROVIDED that advice is sought from the Borough Solicitor and in the case of High Value Contracts approval is sought from the Executive (or, if appropriate, the General Purposes Committee); or
 - (ii) in cases of extreme urgency where there is an immediate danger to life or limb or property and only to the extent necessary to procure services,

⁶ This amendment removes any doubt that such advice and approval must be obtained each time a call off is to be made under another contracting authority's framework agreement.

⁷ This confirms that Chief Officer delegated powers are still restricted in respect of the award of High Value Contracts when called off under any framework agreement – whether established by the Council or any other contracting authority.

supplies or works necessary to deal with the immediate urgent situation PROVIDED that advice is sought from the Borough Solicitor; or

- (iii) for contracts providing individual personal services such as individual care arrangements or individual special educational needs provision and for the avoidance of doubt this exemption does not apply to any framework agreements or call off contracts that will facilitate the award of individual contracts providing such personal services.

87. Provision of goods, ~~and services~~ and works⁸ by the Council

- (a) The Local Authorities (Goods and Services) Act 1970 ("the Act") provides that local authorities may enter into contracts to provide goods and services to public bodies defined as such by the Act. Section 96 of the Local Government Act 2003 provides that local authorities may do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any of their ordinary functions provided this power is exercised through a company within the meaning of Part 5 of the Local Government Act 1989.
- (b) Before entering into arrangements under either of these provisions, officers must comply with the relevant requirements of Financial regulation 6.3 of Part 6 of the Constitution⁹.
- (c) Authority to enter into arrangements under either of these provisions must be agreed by the Executive (or if appropriate the General Purposes Committee) where:
 - (i) the contract value would be exceed £150,000 per annum or more in value over the term of the contract, or
 - (ii) the gross cost to the Council of providing the relevant goods, services or works under the contract is estimated to exceed £150,000 per annum calculating the full costs over the term of the contract (including any period of extension(s) anticipated by the contract);
 - (iii) where a company is to be set up for the purposes of the arrangements¹⁰.
- (d) In all cases advice shall be sought from the Borough Solicitor and the Director of Finance and Corporate Resources prior to entering into any such arrangement and/or prior to seeking approval by the Executive.

88. Authority to go out to tender and enter into contracts

- (a) Chief Officers have delegated to them power to invite expressions of interest, agree shortlists, invite Tenders, negotiate, award, and terminate contracts in accordance with paragraph 2.5, of Part 4 of this Constitution. No individual Member may enter into a contract on the Council's behalf.
- (b) Where approval to invite expressions of interest is required from the Executive (or if appropriate the General Purposes Committee or Pension Fund Sub-Committee) the Executive, the General Purposes Committee, or the Pension Fund Sub-Committee as the case may be shall receive and consider a report setting out the

⁸ This amendment reflects the provisions of section 96 of the Local Government Act 2003 – works could be undertaken by the Council for any other body.

⁹ This cross-reference has been inserted to ensure that the more detailed requirements relating to the Council's provision of goods and services to other bodies outlined in Financial Regulations 6.3 of Part 6 of the Constitution are incorporated and reflected in Contract Standing Orders and therefore complied with by officers.

¹⁰ These proposed amendments reflect the requirements of Financial Regulation 6.3.2. The aim of these changes is to ensure consistency.

PART 4

them to Full Council for consideration and approval. If approved, the Executive will then be responsible for implementing them.

1.8 Table 4 sets out the functions to be exercised by the Highways Committee which is a committee of the Executive.

1.9 Part 5 of the Constitution describes the membership and terms of reference for the Council committees and sub-committees. These are:-

- Standards Committee
- Standards (Initial Assessment) Sub-Committee
- Standards(Review) Sub-Committee
- Audit Committee
- Overview and Scrutiny Committee
- Children and Families Overview and Scrutiny Committee
- Forward Plan Select Committee
- Performance and Finance Select Committee
- Health Select Committee
- Budget Panel
- General Purposes Committee
- Pension Fund Sub-Committee
- Senior Staff Appointments Sub-Committee
- Staff Appeals Sub-Committees A and B
- Schools Disciplinary Sub-Committee
- Planning Committee
- General Purposes Licensing Sub-Committee
- Alcohol and Entertainment Licensing Committee
- Alcohol and Entertainment Licensing Sub-Committees A, B and C

1.10 In addition to the powers described in the Tables as being specifically delegated to officers, any other Council and Executive functions are delegated to officers in accordance with paragraph 2, 'Powers Delegated to Officers'.

1.11 Table 5 sets out the 'proper officers' designated for the purposes of certain statutory provisions. Any reference in any Act or any part of this Constitution to 'the proper officer' will be a reference to the person so specified in the Table but if none is specified the Chief Executive or a person nominated by him or her for the purpose. Any other function not otherwise specified in the Tables or elsewhere in this Constitution is the responsibility of the Executive, unless specifically precluded by law from so being, in which case it shall be the responsibility of the General Purposes Committee (unless specifically reserved to Full Council in which case it shall be exercised by Full Council).

1.12 All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Standing Orders and Financial Regulations and this Part 4 and Part 5.

1.13 In exercising any function or making any decision the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.

1.14 A number of joint committees have been established with other London Boroughs under the umbrella of the Association of London Government. The Housing Committee exercises executive functions as does its Sub-Committee. The ALG Committee and the Transport and Environment Committee exercise executive and

PART 5

Introduction

Standards Committee

- **Standards (Initial Assessment) Sub-Committee**
- **Standards (Review) Sub-Committee**

Audit Committee

Overview and Scrutiny Committees

- ***Children and Families Overview and Scrutiny Committee***
- ***Forward Plan Select Committee***
- ***Performance and Finance Select Committee***
- ***Health Select Committee***
- ***Budget Panel***

General Purposes Committee

- ***Pension Fund Sub-Committee***
- ***Senior Staff Appointments Sub-Committee***
- ***Staff Appeals Sub-Committees A and B***
- ***Schools Disciplinary Sub-Committee***
- ***General Purposes Licensing Sub-Committee***

Planning Committee

Alcohol & Entertainment Licensing Committee

- ***Alcohol & Entertainment Licensing Sub-Committees A, B & C***

Joint Committees

MEMBERSHIP AND TERMS OF REFERENCE OF COUNCIL COMMITTEES AND SUB-COMMITTEES

Introduction

1. The Council has determined that functions of the Council may be discharged by the committees and sub-committees set out below.

Council Committees

2. The Council has appointed the following committees:
 - Standards Committee
 - Audit Committee
 - Overview and Scrutiny Committee
 - Children and Families Overview and Scrutiny Committee
 - General Purposes Committee
 - Planning Committee
 - Alcohol and Entertainment Licensing Committee

Council Sub-Committees

3. The Council has appointed the following sub-committees:
 - Standards (Initial Assessment) Sub-Committee
 - Standards (Review) Sub-Committee
4. The General Purposes Committee has appointed the following sub-committees:
 - Senior Staff Appointments Sub-Committee
 - Schools Disciplinary Sub-Committee
 - Staff Appeals Sub-Committee A and B
 - General Purposes Licensing Sub Committee
 - Pension Fund Sub-Committee

Alcohol and Entertainment Licensing Committee

- 3A. The Alcohol and Entertainment Licensing Committee has appointed 3 Sub-Committees known as Alcohol and Entertainment Licensing sub-committee A, B or C.

Overview and Scrutiny Sub-Committees

5. The Overview and Scrutiny Committee has appointed four sub-committees called:
 - Forward Plan Select Committee
 - Performance and Finance Select Committee
 - Health Select Committee
 - Budget Panel

5. In addition, the Council has established a Children and Families Overview and Scrutiny Committee.
6. Any dispute as to whether a matter does or does not fall within the remit of a particular sub-committee, or the Children and Families Overview and Scrutiny 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.

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.
14. In the case of the Standards (Initial Assessment) Sub-Committee and the Standards (Review) Sub-Committee the chair shall be the independent member¹.

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.

¹ Regulations require an Independent Member to chair the sub-committee.

10. To appoint sub-committees for the purpose of discharging any of the committee's functions, whether or not to the exclusion of the committee and to set the terms of reference for any sub-committees.
11. To receive allegations that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and then to decide whether:
 - a) To refer the complaint to the Monitoring Officer for investigation or for some other action
 - b) To refer the complaint to the Standards Board for England; or
 - c) To take no further action.
12. To receive applications for a review of a decision by the Standards Committee that no further action should be taken in respect of an allegation that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and to decide whether:
 - a) To refer the complaint to the Monitoring Officer for investigation or for some other action
 - b) To refer the complaint to the Standards Board for England; or
 - c) To take no further action.
13. To hold hearings into allegations of misconduct against Councillors once they have been investigated and to decide whether in the circumstances
 - a) There was a breach of the Code of Conduct and if so what the appropriate sanction that should be applied is
 - b) There was no breach of the Code of Conduct but that in the circumstances no further action should be taken; or
 - c) That there was no breach of the Code of Conduct.
14. To receive any reports from a case tribunal or interim case tribunal.
~~and any report from to the Monitoring Officer or any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.~~
15. To carry out all other statutory functions, either through the committee or its sub committees, relating to complaints about members conduct set out in the Local Government Act 2000.

STANDARDS (INITIAL ASSESSMENT) SUB-COMMITTEE

Membership

- The sub-committee is comprised of 4 members
- All members must be members of the Standards Committee
- At least one member must be an Independent Member, as defined in section 53 of the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.
- 3 members shall be elected councillors (one from each of the three largest political groups).
- No more than 1 member of the Executive may be a member of the sub-committee.
- The Chair shall be the Independent Member
- The quorum must include an Independent Member, unless the Independent Member is required to withdraw from the meeting because of a prejudicial interest and must include at least one elected councillor.

Terms of Reference

1. To receive allegations that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and to then decide whether:
 - a) To refer the complaint to the Monitoring Officer for investigation or for some other action
 - b) To refer the complaint to the Standards Board for England; or
 - c) To take no further action.
2. To perform any other function included from time to time in section 57A of the Local Government Act 2000.

STANDARDS (REVIEW) SUB-COMMITTEE

Membership

- The sub-committee is comprised of 4 members
- All members must be members of the Standards Committee
- At least one member must be an Independent Member, as defined in section 53 of the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.
- 3 members shall be elected councillors (one from each of the three largest political groups).
- No more than 1 member of the Executive may be a member of the sub-committee.
- The Chair shall be the Independent Member
- The quorum must include an Independent Member, unless the Independent Member is required to withdraw from the meeting because of a prejudicial interest and must include at least one elected councillor.

Terms of Reference

1. To receive applications for a review of a decision by the Standards (Initial Assessment) Sub-Committee that no further action should be taken in respect of an allegation that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and to then to decide whether:
 - a) To refer the complaint to the Monitoring Officer for investigation or for some other action
 - b) To refer the complaint to the Standards Board for England; or
 - c) To take no further action.
2. To perform any other function included from time to time in section 57B of the Local Government Act 2000.

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. ~~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~~

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

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.

² This committee no longer exists

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.

~~3. LONDON HOUSING UNIT COMMITTEE ²~~

~~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.~~

² This committee was disbanded by London Councils

- ~~5. To make arrangements for such information and the results of such investigations to be made available to Constituent Councils.~~
- ~~6. To assist the Constituent Councils in giving publicity to their functions and the amenities and/or advantages of and entitlements affecting their area.~~
- ~~7. To provide professional administrative and technical assistance to the Constituent Councils.~~

4. TRANSPORT AND ENVIRONMENT COMMITTEE

Membership

- This Committee was established under an Agreement dated 15 January 1998, which was varied by Agreements dated 13 December 2001 and 1 May 2003. The Committee is comprised of one councillor from each of the London Local Authorities including a councillor from Brent Council and Transport for London.

Terms of Reference

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

1. Appoint and provide accommodation and administrative support for parking adjudicators and determine the places at which parking adjudicators are to sit.
2. Determine the penalty charge levels and fees for de-clamping, vehicle recovery, storage and disposal subject to the approval of the Secretary of State.
3. Determine the rate of discount for early payment of penalty charge notices.
4. Determine the form for aggrieved motorists to make representations to London Local Authorities under Section 71 of the Road Traffic Act 1991.
5. The publication and updating as necessary of the Code of Practice for Parking in London.
6. The co-ordination and maintenance of vehicle removal and clamping operations.
7. The establishment of links with the Metropolitan and City Police and County Courts and the DVLA.
8. Ticket processing, general data collection and service monitoring.
9. The establishment of common training standards in connection with parking standards, the accreditation of training centres and award qualifications.
10. The establishment of London-wide parking schemes.
11. Implementation and enforcement of the London Lorry Ban.
12. Managing the Concessionary Fares Scheme.
13. Managing the London Taxicard Scheme.

5. GRANTS COMMITTEE

Membership

- This Committee was established to take decisions in relation to the ALG Grants Scheme which was established under section 48 of the Local Government Act 1985. The members of the Grants Committee are the 33 London Boroughs.

Terms of Reference

The Terms of Reference of the Committee are:

1. to ensure the proper operation of the London Borough Grants Scheme;
2. to make recommendations to the Leaders' Committee on overall policies, strategy and priorities;
3. to make recommendations to the Leaders' Committee on the annual budget for the London Borough Grants Scheme;
4. to consider grant applications and make grants to eligible voluntary organisations; and
5. to make all decisions relating to the making of grants and the operation of the scheme save those which are specifically reserved to constituent councils.

~~6. NORTHWICK PARK HOSPITAL JOINT OVERVIEW AND SCRUTINY COMMITTEE~~³

~~Membership~~

~~This is a joint committee with the London Borough of Harrow and any other authorities who are consulted on the proposals to rebuild Northwick Park Hospital. Brent may appoint two members to the joint committee.~~

~~Terms of Reference~~

- ~~1. To consider the adequacy of the consultation being carried out by the health bodies involved and to contribute to that process.~~
- ~~2. To consider the implications of the rebuilding proposals and proposed new model of service provision on service users and residents within the catchment of the hospital.~~

7. JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Membership

The Joint Health Overview and Scrutiny Committee was formed in 2007 and consists of members from the 32 London Boroughs. It was set up pursuant to the Secretary of

³ This committee no longer exists

State direction that where the NHS is under a duty to consult more than one overview and scrutiny committee that a joint overview and scrutiny committee be set up for that purpose. The consultation in this case is in relation to *Health Care for London: A Framework for Action* by Lord Darzi.

Terms of Reference

1. To consider and respond to the proposals set out in the PCT consultation document *Healthcare for London: A Framework for Action*.
2. To consider whether the *Healthcare for London: A Framework for Action* proposals are in the interests of the health of local people and will deliver better healthcare for the people of London; and
3. To consider the PCT consultation arrangements, including the formulation of options for change, and whether the formal consultation process is inclusive and comprehensive⁴.

⁴ This amendment reflects that the Council previously resolved to establish the Joint Health Overview and Scrutiny Committee and agreed that the terms of reference would be as adopted by the Joint Health Overview and Scrutiny Committee.

PART 6

Standards Committee

52. Exempt information categories 8-10 in the Table below only apply to the Standards Committee and its sub-committees. Category 8 provides an exemption where information is subject to **any** obligation of confidentiality, subject to the public interest test.²

² This is slightly different from the absolute requirement in the legislation (and reflected in rule 51 above) in respect of specific categories of confidential information because it covers a broader range of confidential information but is subject to the public interest test rather than being absolute.

6.3 Provisions of Goods, and Services and works to Other Bodies

6.3.1 Current legislation enables the Council to provide a range of goods, services and works to other bodies. Before entering into any new contractual arrangement, Managers must ensure that they have written legal advice that the Council has power to make such arrangements.

6.3.2 Managers will also need specific Executive approval (or if appropriate the General Purposes Committee)⁵ to enter a contract for the provision of goods, or services or works to a body or individual external to the Council if:

- the contract value would exceed £150,000 per annum; or
- the gross cost to the Council of providing the relevant goods or services under the contract is estimated to exceed £150,000 per annum having consideration to the full costs over the term of the contract. It is not acceptable to split contracts into smaller parcels to avoid exceeding the £150,000 per annum threshold above.
- Where a company is to be set up for the purposes of the arrangements⁶

6.3.3 Reports to the Executive (or if appropriate the General Purposes Committee) on such proposals must include legal advice prepared by the Borough Solicitor or his or her representative indicating whether the Council has legal powers to enter the contract, an explanation of the business risks associated with entering the contract and a full analysis of the financial impact.

6.3.4 Any contract for the provision of goods, or services or works to a body outside the Council, which exceeds £500,000 per annum in value, shall be in a formal document under the seal of the Council.

6.3.5 The Chief Finance Officer must be informed of any proposed arrangements and shall agree all financial arrangements made prior to approval by the Executive, or Full Council (or if appropriate the General Purposes Committee).

6.3.6 The Manager shall be responsible for:

- ensuring that appropriate insurance arrangements are made;
- ensuring that all potential risks are identified and action identified which will minimise those risks to the Council;
- wherever possible, payment is received in advance of the delivery of the service;
- ensuring that such contracts do not impact adversely upon the services provided by the Council;
- maintaining proper contractual documentation;
- proper accounting and reporting arrangements exist.

6.4 Grants to Outside Bodies

⁵ This amendment reflects the provisions of Contract Standing Order 87 which details requirements relating to the provision of goods and services by the Council.

⁶ Refer to the previous note

PART 7

9.1 Much of the information kept by the Council relates to individual clients and officers and members are expected to be discreet in their handling of such information which is disclosed to them.

9.2 One element of this will be obligations to individuals or organisations about whom a report contains information which is confidential to respect that confidentiality. Wrongful disclosure of information which results in some form of damage to a person or business to which the obligation is owed could be actionable against the Council. Information is often provided by people to the Council for a particular purpose and to disclose or use it for another purpose can lead to a Data Protection Act breach. Clearly the Council itself could be damaged by information wrongly disclosed. Wrongful disclosure by a Councillor would be a matter to be dealt with under the Members Code of Conduct and could result in a complaint to the Standards ~~Board~~ Committee³ about the member concerned.

9.3 The Brent Members Code of Conduct provides that:

“4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or”

“6. You –

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage

9.4 A breach of the Brent Members Code of Conduct can lead to suspension or disqualification of the member concerned.

³ This change reflects the change in the ethical standards framework making this a function of the Standards Committee.

PART 8

MEMBERS ALLOWANCE SCHEME

Schedule 1¹

Allowance	Number of Posts /Amount (£)	Total (£)
Basic		
Payable to all councillors	63 x 7,684	484,092
Special responsibility		
Only one special responsibility allowance will be paid to any one member		
Post		
Leader	1 x 33,940	33,940
Executive members		
Deputy Leader	1 x 23,758	
Other Executive members	8 x 14,424	139,150
<i>Chair of the Overview and Scrutiny Committee</i>	1 x 4,603	4,603
Chairs of Select Committees and Scrutiny Panels		
Chair of Council committees	1 x 12,727	
Planning Committee	1 x 5,939	18,666
General Purposes Committee		
Vice Chair of Council committees	1 x 2,036	2,036
Planning Committee		
<i>Chair of Audit Committee</i>	1 x 2,036	2,036
<i>Co-chair Youth Parliament</i>	1 x 2,036	2,036
Chairs of sub-committees		
Pension Fund Sub-Committee	1 x 2,036	2,036
Chairs of Service User Consultative Forums	5 x 2,036	10,180
Chairs of Area Consultative Forums	5 x 4,603	23,015
Members of Alcohol and Entertainment Licensing Committee	15 x 2,036	30,540
Members of the Planning Committee	9 x 2,981	27,495
Member of Adoption and Permanency Panel	1 x 3,055	3,055
Member of the Fostering Panel	1 x 3,055	3,055
Group Leaders	3 x 12,198	36,594
Deputy Group Leaders	3 x 9,758	29,274
Group Whips	3 x 5,274	15,822

¹ This table represents the current allowances for Members taking into account the annual uplift as applied from 1 April 2008

MEMBERS ALLOWANCE SCHEME

	TOTAL for Basic and Special Responsibilities	890,640
Allowance	Number of Posts /Amount (£)	Total (£)
Civic responsibility		
Mayor	1 x 7,339	7,339
Deputy Mayor	1 x 5,401	5,401
	TOTAL	12,740
Co-opted and Independent Members		
Voting co-opted members	4 x 212	848
Independent members		
annual	3 x 212	636
	TOTAL	1,484
	TOTAL FOR SCHEME	904,864*

**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.*