



**Annual Council Meeting**  
18 May 2022

**Report from the Director of Legal, HR,  
Audit & Investigations**

**Annual Review of the Constitution**

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	Council
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	One Appendix 1: Proposed changes to the Constitution
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal, HR, Audit and Investigations E: Debra.norman@brent.gov.uk T: 0208 937 1578

**1.0 Summary**

**1.1** This report proposes a number of minor changes to the Constitution to bring it up to date and to reflect that there are now three political groups on the Council.

**2.0 Recommendations**

**2.1** To agree the amendments to the Constitution set out in this report and the Appendix.

**2.2** To note that, to the extent that the changes set out in this report relate to executive functions of the Council, they have been approved by the Leader.

**2.3** To authorise the Director of Legal, HR, Audit & Investigations to amend the Constitution accordingly, including making any necessary incidental or consequential changes.

**3.0 Background**

**3.1** A general review of the Constitution is undertaken annually to check whether there are any minor general updating, clarification or consistency changes that need to be made in addition to more substantive changes taken to Full Council

for approval as they arise during the municipal year. The changes described below and contained in the Appendix are proposed following this year's review, including changes to reflect that there are now three political Groups on the council.

### **3.2 Part 1 - Introduction**

Amendments are made to reflect the changes to the overall number of councillors and members per Ward following the boundary review and to reflect the actual number of co-opted members current on the ASAC. Changes will be made to update the allocation of roles and portfolios following the election.

### **3.3 Part 2 – Procedural Rules**

Two changes are proposed to Standing Order to reflect that there are now three political groups on the council:

- a. SO35 – this amendment is to enable a written question to be submitted by the second opposition Group.
- b. SO41 – these amendments allocate enable a Motion under this Standing Order to be submitted by the second opposition Group.
- c. SO75 - It is proposed that explicit provision be made that the Chief Executive may, in consultation with the Chair of the General Purposes Committee, agree part time or other flexible working with holders of the senior posts covered by Standing Order 75.

### **3.4 Part 3 – Responsibility for functions**

In this part, the special delegations for the Chief Executive and reflected in the Constitution agreed due to the pandemic until the next annual meeting will also be removed. These were as follows:

- a) Normally reserved to Cabinet - where:
  - The exercise of that function or the making of that decision would or would be likely to conflict with or result in a change or departure from any decision or policy agreed by the Council or the Cabinet or relevant Cabinet Member
  - The exercise of that function or the making of that decision would or would be likely in the opinion of the relevant Strategic Director or the Chief Executive to result in a very significant change in the model of service delivery.
  - The exercise of that function or the making of that decision would or would be likely to expose the Council to a significant or unusual level of risk, financial or otherwise, as determined by the Chief Executive, the Director of Finance or the Director of Legal, HR, Audit & Investigations.
  - The exercise of that function or the making of that decision would result or would be likely to result in the permanent closure of a facility used by the public or a permanent and significant reduction in the level of services or facilities provided to the public.
- b) Normally to the General Purposes Committee – determination of the terms and conditions of staff appointed by the Senior Staff Appointments Sub-Committee and determination of the overall framework of terms and

conditions of service for employees.

### **3.5 Part 4 – Terms of Reference for Council Committees and Sub-Committees**

An amendment is required to reflect the number of co-opted members on the ASAC. A clarification is added in respect of the London Council joint committees to make clear whether each committee exercises executive and/or non-executive powers.

### **3.6 Part 5 – Codes and Protocols**

- a) An amendment is proposed to reflect the proposal approved by the ASAC that failure by councillors to attend mandatory data protection training should lead to a review of their access to council IT systems
- b) An amendment is proposed to the Local Code of Corporate Governance to remove references to Brent 2020 and not that a new Borough Plan will be adopted after the local election 2022.
- c) An amendment to the Protocol for Member/Officer Relationships is proposed to make clear how officers and members should raise concerns under the Code.

### **3.7 Part 6 – Members Allowances Scheme**

Co-opted (including Independent) members of committees are currently paid an annual allowance in two six monthly instalments, whether or not they attend meetings that take place during that time. While many such member are regular in their attendance, some are not. In order to improve attendance by these members, it is proposed that allowances are only payable if the co-opted member has not failed to attend a majority of meetings held during that period. This will apply those appointed for new terms at or after the Annual Meeting. The position for continuing co-opted members will be reviewed over the next 6 months to see if this change should apply to them too.

### **4.0 Legal implications**

4.1 These are contained in the body of the report

### **5.0 Financial Implications**

5.1 No specific financial implications arise from this report.

### **6.0 Diversity Implications**

6.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising their functions to have 'due regard' to the need:

- a) to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
- b) advance equality of opportunity; and
- c) foster good relations between those who share a "protected characteristic" and those who do not.

This is the Public Sector Equality Duty (PSED). The 'protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, marriage and

civil partnership, race, religion or belief, sex, and sexual orientation

6.2 An Equality Impact Assessment (EIA) was prepared at the time use of remote meetings commenced indicated that this would increase access for some groups but be potentially more difficult for some other groups. This is now being reviewed in respect of the proposals to return to face to face meetings. This EIA will be finalised upon the outcome of the Judicial Review case referred to in paragraph 3.3.

## **7 Background Papers**

7.1 None

Report sign off:

***Debra Norman***

Director of Legal, HR, Audit &  
Investigations