

PART 1

INTRODUCTION

Contents

Summary

Definitions

Decision Making Structure

List of Cabinet Members and Portfolios

CONTENTS

Part 1 Introduction

Contents
Summary
Definitions
Decision Making Structure Chart
List of Cabinet Members and Portfolios

Part 2 Procedural Rules

Standing Orders
Constitution
Overview and Scrutiny
Meetings of Full Council
Standing Orders with respect to committees and sub-committees
Petitions/Deputations
Miscellaneous
Sealing and Signing of Documents
Standing Orders Relating to Staff
Contract Standing Orders
Access to Information Rules
Financial Regulations
Scheme of Transfers and Virements

Part 3 Responsibility for Functions

General
Table 1 Functions which cannot be exercised by the Cabinet
Table 2 Functions where the Council has a choice of exercising them through either the Cabinet or the Council and the person or body to whom, if any, the function has been delegated
Table 3 Functions not to be the sole responsibility of the Cabinet
Table 4 The membership and terms of reference of the Barham Park Trust Committee
Table 5 Proper and Statutory Officer Provisions
Table 6 List of functions that may only be exercised by Full Council

Part 4 Terms of Reference for Council Committees and Sub-Committees

Membership and Terms of Reference of Council Committees and Sub-Committees
Health and Wellbeing Board
Audit and Standards Advisory Committee
Audit and Standards Committee
Corporate Parenting
Scrutiny Committees

General Purposes Committee
Pension Fund Sub-Committee
Senior Staff Appointments Sub-Committee
Senior Staff Appeals Sub-Committee
Planning Committee
Licensing Committee
Alcohol and Entertainment Licensing Sub-Committee
Regulatory Sub-Committee
Dismissal Advisory Panel
Joint Committees

Part 5 Codes and Protocols

1. Brent Members' Code of Conduct
2. Planning Code of Practice
3. Licensing Code of Practice
4. Local Code of Corporate Governance
5. Code of Practice on Publicity
6. Protocol for Member/Officer Relations
7. Protocol on Members' Rights of Access to Information
8. Protocol on Call in
9. Protocol on Extraordinary Meetings

Part 6 Members' Allowance Scheme

SUMMARY

1. The Council's Constitution

The Constitution was first adopted by Full Council on 22 May 2002 and is reviewed and updated from time to time by Full Council. The purpose of the Constitution is to:

- support the active involvement of citizens in the process of local authority decision-making;
- help councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community

Where this Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. Some of the procedures are required by law, while others are a matter for the Council. The Constitution is divided into 6 Parts. These contain the Council's Standing Orders and other rules, codes, protocols and the Members' Allowance Scheme. In particular, Parts 2 and 3 set out the rules governing the conduct of the Council's business and which part of the Council is responsible for various functions.

2. The Full Council

The Council is comprised of 57 members, otherwise called councillors, who are elected every four years. Councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission for England and approved by the Secretary of State. Only registered voters of the Borough or those living or working in the Borough will be eligible to hold the office of councillor. There are other restrictions on who can hold office as a councillor including having attained the age of 18 at the date of nomination, citizenship and absence of any other disqualification. The term of office of councillors will start on the fourth day after being elected and will finish at the end of the third day after the date of the next regular election

All councillors will:

- collectively be the ultimate policy-makers;
- represent their communities and bring their views into the Council's decision-making process;
- be involved in decision-making;
- be available to represent the Council on other bodies;
- maintain the highest standards of conduct and ethics;

- contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- effectively represent the interests of their ward and of individual constituents; and
- respond to constituents' enquiries and representations, fairly and impartially.

Councillors are democratically accountable to the residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Audit and Standards Advisory Committee and the Audit and Standards Committee are responsible for ensuring training is provided to members and advising councillors on, and overseeing their compliance with, the Code of Conduct.

The Monitoring Officer maintains a Register of Interests of councillors and co-opted members of the Authority pursuant to section 29 of the Localism Act 2011 which is available at the Council offices and published on the Council website.

All Councillors and co-opted members are required to complete a standard form listing their interests. The Register is updated by the Monitoring Officer, or such other officer nominated by him or her, upon notification by councillors and co-opted members of any changes.

The Register of Interests is available for inspection by the public at the offices of the Council at all reasonable hours and the electronic version of the Register is available on the Council's website.

Councillors meet together at meetings of Full Council where they decide the Council's overall policies and set the budget each year. The Council also has an important role in appointing the Leader of the Council and holding to account the Cabinet and others exercising executive functions. Meetings of the Council are normally open to the public.

3. The Leader, Cabinet and the exercise of executive functions

The Council is operating a Leader and Cabinet form of executive arrangements. The Leader of the Council is a member of the Council who is elected to the post by the other members at a meeting of the Full Council. The Leader chooses between 2 and 9 other councillors to form the Cabinet. The Cabinet is responsible for putting policies, which Full Council has approved, into effect. The Cabinet is the part of the Council which is responsible for most of the Council's day-to-day decision making not delegated to officers. A list of the Cabinet members, their portfolios and their addresses are given in this Part 1.

The following parts of this Constitution constitute the executive arrangements of Brent Council:

- (a) Such part of the Standing Orders in Part 2 as relate to the Scrutiny Committees;
- (b) Such part of the Standing Orders in Part 2 as relate to the Cabinet;

- (c) Such part of the Standing Orders as relate to Joint Arrangements and the Access to Information Rules as set out in Part 2;
- (e) Part 3 (Responsibility for Functions)

4. Role and function of the Mayor

The Mayor is elected by other members of the Council at the Annual Meeting and the Deputy Mayor is chosen by the duly elected Mayor to act as his or her deputy. The Council is not required to hold such a meeting in the municipal year 2020-21. The Deputy Mayor will, generally, act in the absence of the Mayor.

The responsibilities of the Mayor include:

- to uphold and promote the purposes of the Constitution, and to interpret the application of the Constitution to Council meetings when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in the Cabinet are able to hold the Cabinet to account;
- to promote public involvement in the Council's activities;
- to attend such civic and ceremonial functions as the Council as he or she determines is appropriate; and
- to present the Community Champion Awards.

5. Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) explaining the reasons for a decision and the options considered.

The council, a committee, sub-committee or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations of any person will follow a proper procedure which accords with the requirements of natural justice and the European convention on human rights.

6. Scrutiny

Effective, independent and rigorous examination of the proposals and decisions made by the Cabinet are a significant feature of the Council's arrangements and provide a key role for non-executive members. Overview and scrutiny is the mechanism for holding Cabinet publicly to account. The Council has established two Scrutiny Committees, the Community and Wellbeing Scrutiny Committee and the Resources and Public Realm Scrutiny Committee, to support the work of the Cabinet and the Council as a whole.

The Scrutiny Committees shall comprise 11 members of the Council who shall not be members of the Cabinet. The Community and Wellbeing Scrutiny Committee shall also comprise of 4 voting education co-opted members and 2 non-voting education co-opted members appointed in accordance with Standing Order 50. Members, chairs and vice chairs of the Scrutiny Committees will be appointed by Full Council.

The Scrutiny Committees hold the Cabinet and others to account by scrutinising their decisions, examining performance and asking questions of decision-makers and service providers. Unless the decision is urgent, if the rules set out in Standing Order 14 have been followed, all Key Decisions and a decision which has been made by the Cabinet or by Cabinet Committees can be called in for scrutiny and will be considered by the relevant Scrutiny Committee.

They may recommend that the decision maker reconsider the decision but cannot block a decision indefinitely or impose their own views.

The Scrutiny Committees are also involved in strategic and cross-cutting issues by supporting the Cabinet in the development and review of policy, overseeing health matters, and reviewing the performance of other partners and the Local Strategic Partnership work programme.

The Scrutiny Committees will establish an annual work plan which identifies areas suitable for review and scrutiny and will establish commissions and or panels to undertake specific time limited work. The Scrutiny Committees will meet at regular intervals throughout the municipal year and will meet as and when required in relation to any Call in. An annual report on the activities of the Scrutiny Committees will be produced and published.

7. Other Committees

In addition to the committees specifically mentioned above, the Council has established a number of committees and sub-committees to deal with, staffing, planning, licensing, health, standards, safeguarding and pension related functions.

Some Council Committees include members who are not councillors. These are the Community and Wellbeing Scrutiny Committee, the Pension Fund Sub-Committee, the Audit and Standards Advisory Committee, the Health and Wellbeing Board, and the Dismissal Advisory Panel.

- The Audit and Standards Advisory Committee includes up to 3 voting co-opted (Independent) members.

- The membership of the Community and Wellbeing 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 4 of this Constitution.
- The membership of the Pension Fund Sub-Committee currently includes two non-voting co-optees: a College of North West London representative and a Council employee representative.
- The Dismissal Advisory Panel comprises three Independent Persons appointed to deal with Member Code of Conduct complaints under the Localism Act 2011.
- The Health and Wellbeing Board includes members who are not Councillors who are able to vote.

The Cabinet has appointed a committee: the Barham Park Trust Committee.

8. Membership of committees and sub-committees

The membership and terms of reference of the Council committees and sub-committees and any joint committees are set out in Part 4 of this Constitution. The membership and terms of reference of the Cabinet Committee(s) are set out in Part 3 of this Constitution. The structure of the Council and Cabinet Committees are shown in the Decision Making Structure Chart included in this Part 1.

9. Consultative Forums

In order to give local citizens a greater say in Council affairs the Council has established a number of consultative forums.

Five Brent Connects Forums have been created. These cover Kingsbury & Kenton, Wembley, Harlesden, Willesden and Kilburn. An Area Housing Board Forum 'Talkback' has been established for freehold and leaseholders.

Five Service User Forums have been created. These are Disability and Mental Health, Private Sector Housing, Pensioners, Voluntary Sector Liaison and Equality Forum. The Council has also established a Youth Parliament.

These bodies provide a forum for residents and businesses to discuss and raise concerns about issues in their locality or which are important to the particular group for which the forum or board is designed. They also respond to consultation initiatives by the Council. The consultative forums involve relevant councillors and their meetings are generally held in public. Issues arising from the forums are fed back into the Council's decision making process.

10. The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

11. Citizens' Rights and Responsibilities

The Council welcomes participation by its citizens in its work. Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau and Community Law Centre can advise on individuals' legal rights. 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 2 of this Constitution:

- vote at local elections if they are registered on the electoral roll for the Borough;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, confidential or exempt information would be disclosed;
- petition to request a referendum on an elected Mayor;
- contribute to reviews conducted by the Scrutiny Committees and/or their task groups;
- find out, from the Forward Plan, what Key Decisions are to be decided by the Cabinet, Cabinet Committees or officers, as well as other decisions to be taken at a meeting of the Cabinet or Cabinet Committees and when;
- attend meetings of the Cabinet or Cabinet Committees, 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 Cabinet;
- 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 Monitoring Officer 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.

Citizens have the following responsibilities:

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers. In the event of such conduct, citizens may be removed from Council premises and/or any meeting of the Authority they are attending.

12. Rules of Procedure

The Council has adopted rules of procedure called Standing Orders which govern the conduct of Council business. These are set out in Part 2 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 Leader, the Cabinet/Cabinet Committees, the Scrutiny Committees, the Audit and Standards Advisory Committee and the Audit and Standards 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 also contained in Part 2 of this Constitution.

13. Responsibility for Functions

The functions of the Council are generally divided between Full Council and its committees and the Leader and the Cabinet and Cabinet 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 Leader or the Cabinet or the Cabinet Committee. Part 3 of this Constitution sets out in detail the division of functions between the Leader, the Cabinet and the Council and the scheme of delegation to officers and committees and sub-committees.

14. Access to Council Meetings and Documents

The Council has adopted a set of rules called the Access to Information Rules which set out the Council's procedures for ensuring transparent decision making and a protocol which gives some further information and/or guidance about the type of information that will be given to members of the Council. These include the following rules relating to public access to Council meetings and documents:

- (a) Citizens can attend meetings of the Council or its committees except where exempt or confidential information is being discussed.
- (b) Citizens have the right to attend meetings of the Cabinet or the Cabinet Committees, except where exempt or confidential information is being discussed.
- (c) Citizens have the right to see reports and background papers, and any record of decisions made by the Council and the Cabinet/Cabinet Committees, subject to the rules relating to exempt and confidential information.
- (d) Citizens also have the right to see certain recordable decisions made by officers, again subject to the rules relating to exempt and confidential information.

DEFINITIONS

The words and phrases defined in this definition section shall have the meaning set out below unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes of that part or section.

- The **Access to Information Rules** set out the Council's rules relating to access to meetings and documentation relating to meetings; and exempt and confidential information. These can be found in Part 2 of this Constitution.
- The **Annual Meeting** is the meeting of Full Council each year at which the Mayor is elected.
- The **Authority** means the London Borough of Brent.
- **Best Value** means the requirement under the Local Government Act 1999 that the Council make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- The **Brent Members' Code of Conduct** means the document which has been adopted by the London Borough of Brent setting out what is expected of members and co-opted members of the Authority in terms of their conduct and behaviour, as set out in Part 5 of this Constitution.
- The **Cabinet** is the main decision making body of the Council in particular it is responsible for implementing the Council's Policy Framework and Budget. The Cabinet is made up of the Leader and between two and nine other councillors chosen by the Leader. The Cabinet will carry out all of the Authority's functions which are delegated to it by the Leader and that are not the responsibility of any other part of the Authority, whether by law or under the Constitution. The Cabinet comprises the members appointed by the Leader under the Constitution and the Leader.
- **Cabinet Committee(s)** are committees set up by the Cabinet or by the Leader and to which the Cabinet or the Leader has allocated executive functions. Members of Cabinet Committees will be members of the Cabinet. The Barham Park Trust Committee was appointed by the Cabinet.
- **Chair** means the person who presides over a meeting. At meetings of Full Council the Mayor chairs the meeting. Chairs of Council committees are appointed by Full Council and Chairs of sub-committees are appointed by the relevant parent committee. The Leader will usually chair meetings of the Cabinet.
- The **Chief Executive** is the Head of Paid Service as defined in section 4 of the Local Government and Housing Act 1989 and below.
- **Chief Officers** are defined in Part 3, Paragraph 8.2.
- A **Code of Conduct or Code of Practice** is a document forming part of the Council's Constitution which guides and regulates the behaviour of various groups and individuals.

- A **Committee** is a group of members (including co-opted members) chosen or elected to perform a specific function or purpose. The Authority has various types of committees which are defined separately. There are both committees and sub-committees of the Council and there is a Barham Park Trust Committee of the Cabinet. The terms of reference of the committees and sub-committees are set out in Parts 3 and 4 of this Constitution. There are also a number of joint committees.
- **Confidential Information** is defined in section 100A(3) of the Local Government Act 1972 as:
 - (a) Information furnished to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
 - (b) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.
- The **Constitution** is a document adopted by Brent Council which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- A **Co-opted Member** means a person who is a member of any committee or sub-committee of the Council but is not a councillor or officer of the Council. Co-opted members generally do not have voting rights on committees, although statute permits certain co-opted members to vote, notably parent governor representatives and church representatives. There are 4 education co-opted members with voting rights on the Community and Wellbeing Scrutiny Committee. There are a further 2 education co-opted members on that committee without voting rights. The voting education co-opted members may only vote on education matters. The Health and Wellbeing Board also includes co-opted members who have voting rights. There are 2 non-voting co-opted members on the Pension Fund Sub-Committee, up to 5 voting co-opted members on the Audit and Standards Advisory Committee. There are also up to 4 co-opted non voting members on the Corporate Parenting Committee. In addition, all 3 members of the Dismissal Advisory Panel are independent persons appointed under section 28(7) of the Localism Act 2011 and in accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- **Corporate Strategy** means the document adopted by the Council setting out the Council's vision, values and key commitments for the next four years.
- The **Council's Budget** includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, the council tax, a plan or strategy for the control of the Council's borrowing, investments, and/or capital expenditure and any virement limits.
- **Council Functions** are those functions of the Authority which cannot be exercised by the Leader/Cabinet. These functions may be carried out by the Full Council, a Council Committee, Council Sub-Committee, Joint Committee of the Council, officers or any other person authorised by the Full Council to carry out Council functions.
- **Day** means a clear working day unless it is clear from another part or section of this Constitution that a different or alternative meaning is intended for the purposes

of that part or section. For example, all references to giving 28 days notice for all Forward Plan matters are to 28 clear calendar days.

- **Delegated Powers** are powers to make decisions which are delegated by a decision making body to another decision making body or decision maker, such as an officer.
- The Council has a number of **Departments**. These are Chief Executive's, Customer and Digital Services, Children and Young People, Community Wellbeing, and Regeneration and Environment.
- **Deputy Mayor** means a councillor, not being a member of the Cabinet, appointed by the Mayor to act as his or her deputy. In the absence of the Mayor, the Deputy Mayor will perform the functions of Mayor except that the Deputy Mayor will only chair a Full Council meeting, in the absence of the Mayor, if chosen to do so by the members of Full Council at that meeting.
- The **Director of Finance** is the officer appointed in accordance with section 151 of the Local Government Act 1972 who has responsibility for the administration of the financial affairs of the authority.
- The **Director of Public Health** (DPH) is the officer appointed by the Council pursuant to National Health Service Act 2006 S73A. The DPH has the responsibilities and duties prescribed by statute, most particularly to write the annual report on health of the local population, to improve public health, to carry out public protection and improvement functions delegated to the DPH by the Secretary of State, to plan and respond to emergencies that present a risk to public health.
- **Executive Functions** are any functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution, and therefore have to be carried out by or on behalf of the Cabinet (including the Leader and individual Cabinet members). The division of functions between the Cabinet and the Council are set out in Part 3 of this Constitution.

Generally, the division of functions between the Cabinet 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 3 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 Cabinet; and
- (c) all other functions are to be the responsibility of the Cabinet/Cabinet Committees. This includes making decisions on education, social services, most (but not all) highways and parking matters and housing functions. The

Cabinet 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. 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 2 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 Head of Executive and Member Services which, unless it is impracticable, will give not less than 28 days notice of all the matters likely to be the subject of Key Decisions (irrespective of the decision maker) and other decisions to be taken by the Cabinet (including the Leader and Individual Cabinet members) or by Cabinet Committees. More information about the Forward Plan and the rules relating to it are included in the Access to Information Rules
- 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.
- **Housing Land Transfer** means a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or a disposal of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.
- A **Joint Committee** is a committee comprising of members of two or more local authorities created under section 102(1) of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- The term **Key Decision** is defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. A 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 or the making of savings of £500k or more; or

- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

A decision maker or decision making body may only make a Key Decision in accordance with the requirements of the Access to Information Rules set out in Part 2 of this Constitution.

Further guidance on Key Decisions is included in the Access to Information Rules which forms 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 Council and Cabinet.
- 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 Cabinet, 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 Standing Order 6.

- References to **Meet** and **Meeting** are limited to a meeting of persons all of whom, or any of whom are present in the same place.
- **Member** means a councillor generally or in relation to a committee or sub-committee a member of that committee or sub-committee.
- The **Members' Allowance Scheme** is contained in Part 6 of this Constitution and sets out the scheme under which councillors are entitled to receive allowances in respect of carrying out their duties as councillors and for fulfilling any special responsibilities allocated to them.
- The **Monitoring Officer** is the officer appointed by the Authority in accordance with section 5 of the Local Government and Housing Act 1989 to report to it on any proposal, decision or omission by the Authority or its committees or sub-committees or officers or joint committees which has given, or may give rise, to a contravention of law or statutory code of practice or to such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974. The Monitoring Officer also has a similar duty to report to the Cabinet if the proposal, decision or omission relates to the carrying out of a function by or on behalf of the Cabinet. The Monitoring Officer is the 'qualified person' for the purposes of determining whether disclosure of particular information under the Freedom of Information Act 2000 would be likely to prejudice the effective conduct of public

affairs. In the London Borough of Brent the Monitoring Officer is the officer employed as the Director of Legal, HR, Audit & Investigations.

- Officers designated as **Operational Directors** are those officers who are directors of the various Service Areas which make up the Departments and who report directly to either a Strategic Director or the Chief Executive.
- An **Ordinary Meeting** is a meeting of Full Council which is not an Annual Meeting or an Extraordinary Meeting. These terms are separately defined. Ordinary meetings are for the transaction of the general business of the Council.
- A **Partnership Arrangement** is an arrangement between Brent Council and one or more other bodies or persons to achieve objectives of the Council and at least one of the other parties which involves one or more of the following:
 - sharing of risk in relation to the subject matter of the arrangement
 - joint planning and decision-making such as joint commissioning
 - joint delivery of services
 - sharing of resources

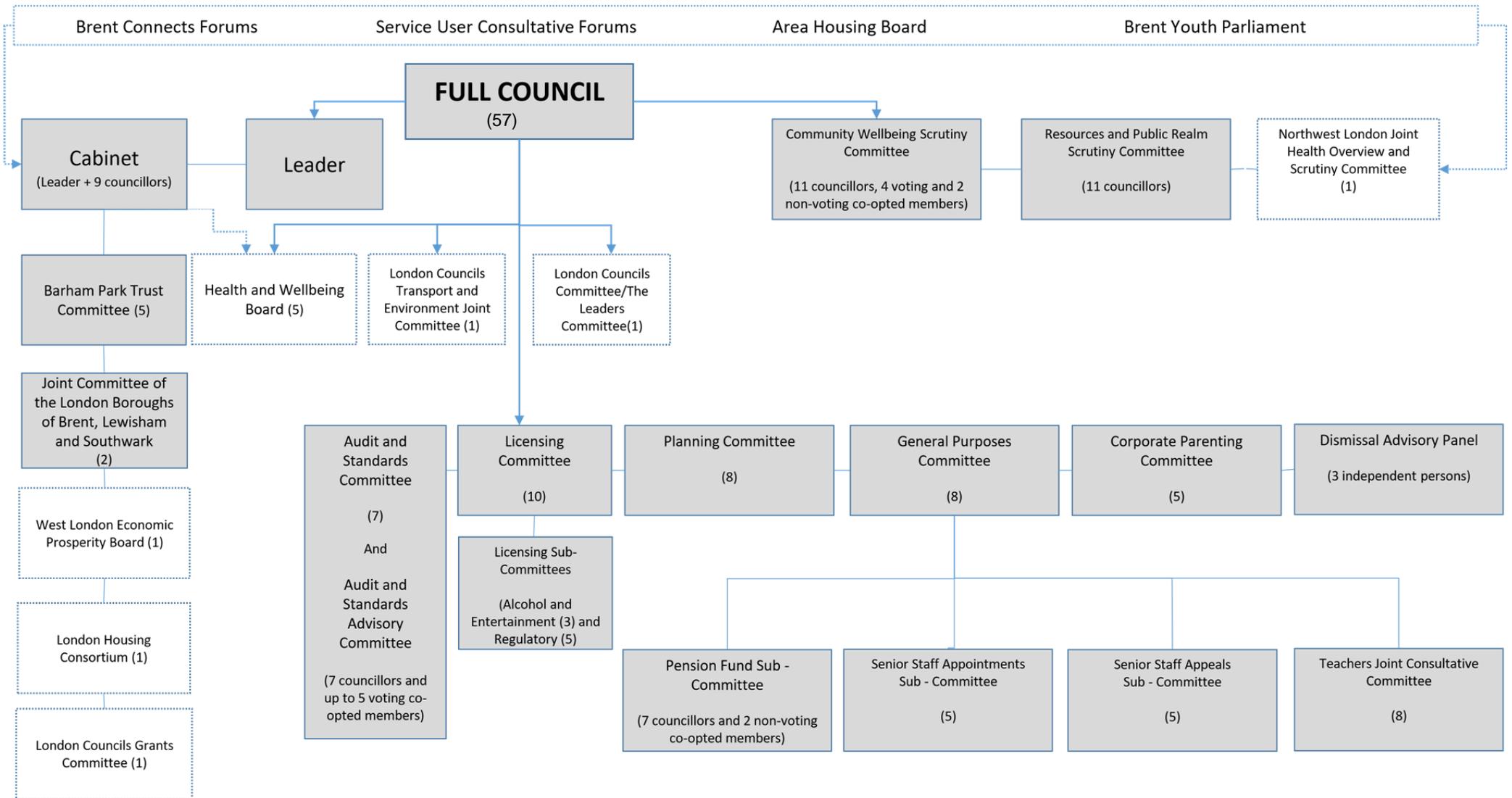
but which is not a contract for the provision by one party to another of a supply, service or works in exchange for a fee or other consideration.

- The **Planning Code of Practice** means the document, which has been adopted by the London Borough of Brent to regulate the performance of its planning function. The major objectives of the Code are to guide members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers.
- The **Policy Framework** means the plans, policies and strategies set out in Table 3 of Part 3 of this Constitution.
- **Portfolio** refers to the key responsibilities or roles allocated to a Cabinet 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 3 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.
- **Recordable Decisions** are those decisions made by officers which are not otherwise published and are not operational or administrative and which fall within the following criteria:
 - a) decisions which in the opinion of the the Chief Executive or the relevant Strategic Director are of such significance that a published record of the decision is required to ensure transparency and accountability in relation to decision making within the Council;

- b) decisions which are an exception to an approved council policy and or raise significant new issues of policy;
 - c) decisions to exercise powers of Compulsory Purchase;
 - d) decisions that would have a significant impact on communities in a single ward;
 - e) decisions to carry out major road works;
 - f) determination of licencing applications, building control decisions and notices, and
 - g) determinations of planning applications and listed building consents;
 - h) a decision specifically delegated to an Officer at a Cabinet meeting.
- **Scrutiny Committees:** The Council has appointed two Scrutiny Committees, namely, the Community and Wellbeing Scrutiny Committee and the Resources and Public Realm Scrutiny Committee. References to 'the relevant Scrutiny Committee' or such similar references are to either one or both of these committees depending on the terms of reference of the committee and which committee is responsible for exercising the function in question. The Scrutiny Committees are responsible for discharging the Council's scrutiny functions. The membership of the Scrutiny Committees reflect the political balance of the Council. The Scrutiny Committees have responsibility for strategic and cross-cutting issues by supporting the Cabinet in the development and review of policy and for examining the implementation of policy including:
 - (a) overseeing the progress of policy implementation and scrutinising decisions made; and
 - (b) Calling in Key Decisions (irrespective of the decision maker) and decisions made by the Cabinet or by Cabinet Committees.
 - 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. The Council has appointed the Director of Finance as its Section 151 Officer.
 - The Council has a number of **Service Areas** within each of its Departments which are headed up by Operational Directors.
 - **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 2 of this Constitution.
 - **Strategic Directors** are directors of Departments within the Council. There are Strategic Directors of Customer and Digital Services, Community Wellbeing; Children and Young People and Regeneration and Environment.
 - 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.

Brent Council Decision Making Structure Chart



List of Cabinet Members and Portfolios

Address for Cabinet Members

The address for all correspondence to the Cabinet members is Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ.

Post Title	Name	Portfolio	Ward
Leader	Cllr Butt	Leader of the Council	Tokington
Deputy Leader	Cllr Patel	Deputy Leader & Finance, Resources and Reform	Alperton
Lead Member	Cllr Nerva	Public Health, & Adult Social Care	Queens Park
Lead Member	Cllr Tatler	Regeneration and Planning	Fryent
Lead Member	Cllr Farah	Safer Communities & Public Protection	Welsh Harp
Lead Member	Cllr Southwood	Jobs, Economy & Citizen Experience	Queens Park
Lead Member	Cllr Krupa Sheth	Environment, Infrastructure & Climate Action	Wembley Central
Lead Member	Cllr Grahl	Children, Young People & Schools	Cricklewood & Mapesbury
Lead Member	Cllr Promise Knight	Housing, Homelessness & Renters Security	Stonebridge
Lead Member	Cllr Donnelly-Jackson	Community Engagement, Equalities & Culture	Roundwood

List of the Cabinet Members of the Barham Park Trust Committee

Cllr M Butt (Chair)
Cllr Patel
Cllr Donnelly-Jackson
Cllr Krupa Sheth
Cllr Tatler
