



Full Council
21 September 2022

**Report from the Corporate Director,
Governance**

Amendment of the Constitution

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

1.0 Summary

1.1 This report proposes changes to the Constitution, primarily to reflect a new departmental structure and the Health and Care Act 2022.

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 Corporate Director, Governance to amend the Constitution accordingly, including making any necessary incidental or consequential changes.

3.0 Background

New Departmental Structure

3.1 Changes are required throughout the Constitution to reflect changes in departmental structures and related job titles. The new allocation of functions between departments will be set out in amendments to Part 3 – Responsibility for

Functions Paragraph 9.4, as shown in the Appendix to this report. Job title substitutions will be made throughout the Constitution to reflect these changes. In addition all references to “Strategic Director(s)” will be changed to references to “Corporate Director(s)” and all references to “Operational Director(s)” (these are the senior officers with responsibility for service areas who report direct to Corporate Directors) will be changed to “Director(s)”.

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

Changes are required to the terms of reference of the Health and Wellbeing Board to reflect the provisions of the Health and Care Act 2022. The proposed changes have been considered by the Health and Wellbeing Board and are contained in the Appendix to this report. It had been hoped that the comments of the Joint Health Overview and Scrutiny (JHOSC) meeting would have been received prior to this Council meeting, but unfortunately the meeting at which the JHOSC was due to consider the matter has been postponed. Should any changes be recommended by the JHOSC when they do consider the matter, these will be brought to the November meeting of Council for consideration.

A change is also proposed in this Part to the section on Scrutiny Committee to provide a process for the management of joint meetings between the Scrutiny Committees.

3.3 Part 5 – Codes and Protocols

A recent Audit report recommended that the Members Code of Conduct contain an indication of when it was last reviewed and/or updated. It is proposed that the following be added to the Code in the Constitution as a footnote to provide this information:

“The Code of Conduct is reviewed at least annually by the Monitoring Officer and any changes are approved at a meeting of Council, usually at its annual meeting. The most recent changes were adopted 18 May 2022.”

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 No equalities implications are considered to arise from this report.

7 Background Papers

7.1 None

Report sign off:

Debra Norman

Corporate Director Governance