

## Appendix 1 – Changes to Constitution

### PART 2 - Procedural Rules

#### MEETINGS OF FULL COUNCIL

##### 23 Time of Meeting

All Ordinary Meetings of Full Council and any Annual Meeting shall be held at 6.00 pm at Brent Civic Centre, or otherwise as determined by Full Council or, in the case of an Extraordinary Meeting, as determined by the Mayor, or if called other than by the Mayor, as determined by the Head of Executive and Member Services. The Annual Council Meeting shall be held at Brent Civic Centre or as otherwise determined by Full Council. An annual calendar of meetings shall be adopted by Full Council for each municipal at a time to be decided by itThe Head of Executive and Member Services may make any alterations deemed necessary to the Municipal Calendar during the course of the Municipal Year having consulted the Leader of the Council; the Leaders of the Opposition Groups; and the Chair of the affected meeting.

### PART 3 -

#### RESPONSIBILITY FOR FUNCTIONS

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##### TABLE 3

#### FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF THE CABINET

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1. The Cabinet or a member of the Cabinet may not in relation to those plans or strategies listed above do the following which are the responsibility of Council:-
  - (a) give an instruction requiring the Cabinet to reconsider any draft plan or strategy submitted by the Cabinet for consideration by the Council;
  - (b) amend any draft plan or strategy submitted by the Cabinet for consideration by the ~~Cabinet~~Council other than following an instruction under (a);
  - (c) approve for the purpose of its submission to the Secretary of State for independent examination, a development plan document;
  - (d) approve, for the purposes of its submission to the Secretary of State or any Minister of the Crown for his or her approval, any such plan or strategy required to be so submitted for approval; nor
  - (e) adopt with or without modification the plan or strategy.

# AUDIT AND STANDARDS ADVISORY COMMITTEE

## Membership

- The committee comprises 7 non-executive councillors and up to 3 voting co-opted members, one of whom will be the Chair of the committee.

## Terms of Reference

### **Audit and Standards**

To provide an independent and high-level focus on the adequacy and effectiveness of governance, risk and control arrangements for both internal challenge and public accountability.

To consider the following matters and to make recommendations to the relevant Council bodies or to officers:

#### *Audit Activity*

1. The Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed), and the strategic and annual audit plans, and consider the level of assurance these can give over the council's corporate governance arrangements.
2. Summaries of specific internal audit reports as appropriate.
3. The annual review of the effectiveness of internal audit.
4. Reports from internal audit on the effectiveness of internal controls and monitoring of the implementation of agreed audit recommendations, including those not implemented within a reasonable timescale.
5. Specific reports as agreed with the external auditor.
6. The scope and depth of external audit work and to ensure it gives value for money.
7. To consider reports on the effectiveness of financial management arrangements, including compliance with CIPFA's Financial Management Code
8. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

#### *Regulatory Framework*

- ~~9~~7. The Council's constitution in respect of Contract Standing Orders and financial regulations.
- ~~10~~8. Any issue referred to it by the Chief Executive or a director, or any council body.
- ~~11~~9. Effective development and operation of risk management and corporate governance in the Council.
12. To monitor progress in addressing risk-related issues reported to the committee.

[13.](#) [To review the assessment of fraud risks and potential harm to the council from fraud and corruption.](#)

[140.](#) Council policies to facilitate confidential reporting by employees of suspected fraud, corruption or any other wrongdoing and the Council's anti-fraud and anti-corruption policies.

[154.](#) The ~~production of the~~ Council's [Annual Governance Statement on Corporate Governance and Internal Control](#).

[162.](#) The Council's arrangements for corporate governance and actions to ensure compliance with best practice.

[17.](#) [To review the governance and assurance arrangements for significant partnerships, collaborations or subsidiaries.](#)

[183.](#) The Council's compliance with its own and other published standards and controls.

[194.](#) The handling of any reports from the Local Government Ombudsman.

#### *Accounts*

[2045.](#) The external auditor's report to those charged with governance on issues arising from the audit of the accounts.

[2146.](#) The statement of accounts and any issues from the financial statements or from the audit that need to be brought to the attention of the Council.

#### **Standards**

To consider the following matters and to make recommendations to the Monitoring Officer, Audit and Standards Committee or Full Council as appropriate:

[2247.](#) The Council's obligation to promote and maintain high standards of conduct by members and co-opted members.

[2348.](#) The operation and effectiveness of, and compliance with, the Brent Members' Code of Conduct (the Code) and other codes, protocols and guidance which supplement the Code.

[2449.](#) Advice and assistance to members and co-opted members on how to observe the Code and on conduct and standards generally.

[250.](#) Training on the Code and conduct and standards generally.

[264.](#) Arrangements for dealing with written allegations of failure to comply with the Code.

## Part 5 - Codes and Protocols

### LOCAL CODE OF CORPORATE GOVERNANCE

#### INTRODUCTION

Each local authority operates through a governance framework. The governance framework is an interrelated system that brings together an underlying set of legislative requirements, standards of behaviour, and management processes.

Good governance means that the way a local authority operates is based on sound and transparent decision making with an effective process to support this; acting in the public interest at all times.

This Code sets out the Council's governance framework. It is based on Guidance issued by the Chartered Institute of Public Finance and Accountancy ('CIPFA') and the Society of Local Authority Chief Executives ('SOLACE') guidance entitled Delivering Good Governance in Local Government Framework 2016 Edition.

There are seven core principles and further supporting principles identified by CIPFA/SOLACE which underpin and inform the way in which a local authority should perform its services and other functions. These principles inform the Council's governance framework, the Local Code of Corporate Governance and the standards by which the Council is audited.

The principles and standards set out below in this Code reflect those set out by the current CIPFA/SOLACE Guidance.

#### 1. BEHAVING WITH INTEGRITY, DEMONSTRATING STRONG COMMITMENT TO ETHICAL VALUES, AND RESPECTING THE RULE OF LAW

The Constitution sets out how the council operates, how decisions are made and the policies which are followed to ensure that these are efficient, transparent and accountable to local people. The Constitution comprises six parts which set out the basic rules for governing the council's business, as well as detailed procedures and codes of practice.

The Constitution is regularly reviewed. The Constitution sets out the responsibilities of both members and officers. In particular the council has identified the following six statutory posts:

Legislation	Statutory Post	Officer
S4 Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 151 Local Government Act 1972	Section 151	<u>Corporate Director of Finance and Resources</u>
S5 Local Government and Housing Act 1989	Monitoring Officer	<u>Corporate Director of Legal, HR, Audit &amp; Investigations Governance</u>

S18 Children Act 2004	Director of Children's Services	<del>Strategic Corporate</del> Director Children and Young People
S6 Local Authority Social Services Act 1972	Director of Adult Social Services	<del>Strategic Operational</del> Director <del>Community and Wellbeing</del> Adult Social Care
Health and Director of Public Health Social Care Act 2012	Health and Director of Public Health Social Care	Director of Public Health

- A Scheme of Delegation sets out the powers delegated to officers as part of the Constitution. The Financial Regulations are also part of the Constitution, together with this Code of Corporate Governance and the Contract Standing Orders. The Constitution is reviewed regularly, with all changes (other than minor variations which may be made by the Monitoring Officer) approved by the Council and published on the external website.
- The Members' Code of Conduct is set out in the Constitution, together with other codes. These are kept under review and updated if necessary. The council has an Audit and Standards Committee and an Audit and Standards Advisory Committee to deal with member conduct issues and these Committees are politically balanced and consist of five members and, in respect of the latter, independent or co-opted members too. Independent Persons have also been appointed in accordance with the Localism Act 2011 and have an important role to play in respect of specific complaints. The standards remit of these Committees is supported by the Monitoring Officer. There is a register of member interests and gifts and hospitality.
- All councillors receive training on the requirements of the Members' Code of Conduct and related issues. Monitoring Officer Advice Notes give advice to members on decision making and standards of conduct.
- All staff, in particular managers, are responsible for ensuring that laws and regulations are complied with and that the authority's policies are implemented in practice. ~~Strategic Corporate~~ Directors, ~~Operational~~ Directors and Heads of Service are responsible for monitoring implementation of the council's policies.
- The Council has a number of key governance related policies. Officers are made aware of their responsibilities through general communications, such as Weekly Round Up, manager briefings, staff events and via the induction process.

## 2. ENSURING OPENNESS AND COMPREHENSIVE STAKEHOLDER ENGAGEMENT

- The ~~Chief Executive's~~Communities and Regeneration Department is responsible for supporting some statutory local partnership arrangements (ie the Health and Wellbeing Board, Safeguarding Adults ~~and Children~~ Boards and Children's Trust) and some non statutory partnerships such as Partners for Brent. The Strategic Partnerships Team co-ordinates a broad range of collaborative activities, which stem from the Council's engagement with local public, private and voluntary sector organisations.

- Partners for Brent is an advisory body which facilitates wider involvement and engagement in the delivery of public services. The Partners for Brent Strategic Forum is made up of eight organisations including the Met Police, NHS partners and CVS.
- At a service area level, the objectives of partnerships are documented in the Service Plans and within contract documentation. They are then reflected in staff's individual objectives.
- Commitments to deliver against our responsibilities in relation to equality and diversity feature strongly in the Council's Borough Plan. Regard to equality, diversity and human rights duties is embedded in the budget setting and business planning process, and templates for each require that officers and members take into consideration in an appropriate manner the equality, diversity and human rights impacts of proposed decisions. The Council's approach is to embed equality and diversity within all of its work so that equality considerations are part of day-today management.

### 3. DEFINING OUTCOMES IN TERMS OF SUSTAINABLE ECONOMIC, SOCIAL AND ENVIRONMENTAL BENEFITS

- The Council has a Borough Plan for the period of ~~2019 to~~ 2023-2027 agreed by the Cabinet, ~~Partners for Brent~~ and Full Council. This document includes the corporate objectives of the Council and our shared partnerships priorities with other public agencies. ~~The Borough Plan has been refreshed for 2024/22, and it updates the five priority areas and sets out actions to realise them, refocused in the light of progress since the original plan was agreed. The Borough Plan (refreshed) 2024/22 has been agreed by Cabinet and Full Council. A new Borough Plan will be agreed following the 2022 Local Elections.~~ Key performance indicators which relate to the priorities in the plan are monitored on a quarterly basis and reported to CMT and the Cabinet. The Borough Plan references other key relevant documents, including the following:
  - Health and Wellbeing Strategy;
  - Equality Strategy;
  - Climate and Ecological Emergency Strategy;
  - the Black Community Action Plan, and
  - the Poverty Commission Delivery Plan
- The priorities of the Borough Plan are regularly set out in The Brent Magazine, its website, press releases and targeted campaigns. Service priorities are extensively consulted on with users and other relevant stakeholders. Departmental Service Plans are discussed annually with Lead Members prior to finalisation.

### 4. DETERMINING THE INTERVENTIONS NECESSARY TO OPTIMISE THE ACHIEVEMENT OF THE INTENDED OUTCOMES

- ~~Brent 2020 is our vision for Brent which sets out the actions we need to take, with our partners, to deliver our priorities and support the residents of Brent. Brent 2020 supports delivery of the targets and outcomes in our Borough Plan with a specific focus on five key priorities to meet the challenges we face in the~~

~~coming years.~~ We are seeking to build on the successes achieved to-date in transforming the Council and the Borough while developing a much sharper focus on services designed around the individual and creating better outcomes for those residents with complex circumstances. We are directing our resources towards priorities which will have a more significant impact in improving local people's opportunities and life chances. Our approach is intended to facilitate much closer cross council and inter-agency working on common themes and address the big issues affecting the future of the borough. A programme of activity is in place to support delivery of this vision with reports on progress provided regularly to CMT and elected councillors.

- The Cabinet consider risks as part of their decision making role on corporate policies, including the annual budget setting processes, major policy decisions and major projects. The Corporate Management Team review corporate risks through regular monitoring reports. Risks are identified within Service Plans and considered on a regular basis within departmental management teams and key operational risks are reported through to the Corporate Management Team.

#### **5. DEVELOPING THE ENTITY'S CAPACITY, INCLUDING THE CAPABILITY OF ITS LEADERSHIP AND THE INDIVIDUALS WITHIN IT**

- A full member learning and development programme is in place and there is a comprehensive induction programme for all councillors within the first few weeks of their election to office. Training on the Council's Code of Conduct for Councillors is compulsory. The council has adopted specific codes of conduct for councillors involved in planning or licensing decision-making and these councillors receive additional training in these areas as a pre-condition of their participation. A bespoke annual learning and development programme is provided for Councillors appointed as Members or Substitutes on the Scrutiny, Planning and Licensing committees.
- There is a corporate induction programme in place for staff, which is largely e-learning based, and one for new managers, supplemented by various internal training courses. Within the New Manager Essential Programme the key objectives are for delegates to understand the roles and responsibilities (core standards and expectations) of the Brent Manager and the Management competencies. Key information and policies are highlighted to new staff and managers and held on the intranet.

#### **6. MANAGING RISKS AND PERFORMANCE THROUGH ROBUST INTERNAL CONTROL AND STRONG PUBLIC FINANCIAL MANAGEMENT**

- Decision making arrangements are set out in the Constitution. The Council operates a Leader and Cabinet model of decision making. Although some decisions are reserved for Full Council, most are made by the Cabinet, individual cabinet members or by committees, sub-committees or officers.
- All forthcoming Key decisions by Cabinet are published in the Council's Forward plan and published every month on the Council's website.

- Reports and minutes of meetings are also published on the council's website and are available through the Libraries. This includes urgent decisions, which are reported to the next formal meeting of Cabinet.
- The council has an Audit and Standards Advisory Committee which meets approximately 6 times during the year, and considers the findings of the council's annual governance review and recommends approval of the Annual Governance Statement by the Audit and Standards Committee in advance of approval of the annual statement of account. It also advises on member standards issues.
- The Audit and Standards Advisory Committee, has been established to enhance the effectiveness of the Audit and Standards Committee, with clear terms of reference and an annual work programme to consider and advise on internal audit and risk management. This enables the independent Members to be equal voting members of the committee.
- The Audit and Standards Committee meets at least twice a year to approve the Annual Governance Statement and the annual statement of accounts.
- The Council maintains an Internal Audit service that operates in accordance with the published internal audit standards expected of a local authority in the United Kingdom. The Head of Internal Audit has direct access to the Chief Executive, the Section 151 Officer and the Chair of the Audit and Standards Committee and now the Chair of the Audit and Standards Advisory Committee.
- The council has established a counter fraud team to ensure a systematic, disciplined approach to investigation, evaluating and improving the effectiveness of fraud prevention and detection and the subsequent prosecution of individuals and organisations where appropriate.
- Robust business continuity management arrangements exist within the council, with all critical services having business continuity plans in place.
- The Council has a three year Medium Term Financial Strategy, which is reviewed and updated annually as part of the budget setting process to support the achievement of the council's corporate priorities. The budget and policy framework outlines the process and timetable to be followed each year when setting the council's budget. The financial management framework includes regular budget monitoring reports to departmental management teams, Corporate Management Team and Cabinet.

## **7. IMPLEMENTING GOOD PRACTICES IN TRANSPARENCY, REPORTING, AND AUDIT TO DELIVER EFFECTIVE ACCOUNTABILITY**

- The statutory Forward Plan is published monthly on the internet, and details all key decisions proposed to be made by the council during the relevant period. Any key decision which is not on the Forward Plan may not be taken within that period, unless the report author is able to demonstrate to the Monitoring Officer and relevant members that urgency procedure requirements are met and, where required under Standing Orders, appropriate agreement of the Chief Executive or the relevant Chair of Scrutiny is obtained. All urgent decisions taken are monitored by the Monitoring Officer and regular reports taken to Full Council.



Members are required to make sound decisions based on written reports which are prepared in accordance with the report writing guide and have to be cleared by both Finance and Legal. The Cabinet receives a briefing (Leader's Briefing) three weeks prior to the Cabinet meeting when members can ask detailed technical questions of officers. All reports must be reviewed and signed-off by or on behalf of the Corporate Director of Finance and Resources and the Corporate Director of Legal, HR, Audit & Investigations Governance

- -and contain clear financial and legal advice to help members arrive at decisions.
- In accordance with the Local Government Act 2000, the Council has mechanisms in place to allow the effective, independent and rigorous examination of the proposals and decisions by the Cabinet. These mechanisms involve the Scrutiny process including call-in. The conduct of the Council's business is governed by the Constitution, which includes Standing Orders and Financial Regulations.
- All members and chief officers are required to complete an annual statement relating to third party transactions and a register of members' interests, which is updated by members, is maintained and published on the Council's website.
- The Brent Council Code of Conduct for Members, revised in 20~~21~~<sup>18</sup>, defines the standards of conduct expected of elected representatives, based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- In addition, the following codes, protocols and systems are well established within the council. All are regularly reviewed and updated to account for developments in governance arrangements and changes in local government.

These include:

- A declaration of interest process for members and senior officers as described above;
- Rules and protocols are in place and are being further developed for all partnership working;
- Organisation-wide performance appraisal and employee development schemes are in operation;
- There is a corporate complaints procedure in place in line with Ombudsman good practice requirements;
- Whistle-blowing, anti-fraud and anti-corruption / bribery policies are in place and publicised in compliance with the national transparency agenda; senior officers' remuneration is published on the council website.

## **ANNUAL REVIEW AND REPORTING**

Each year the council will carry out a review of the governance arrangements measured against this Code and the principles set out in the CIPFA/SOLACE Framework to ensure compliance with this Code, and the delivery of good governance within the local government framework and current good practice. The purpose of the review will be to

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provide assurance that governance arrangements are good and operating effectively and to identify any action required to improve effective governance in the future.

The outcome of the review will take the form of an Annual Governance Statement prepared on behalf of the Leader of the Council and the Chief Executive in accordance with the timetable for the preparation of the annual accounts. The findings of the review will be submitted to the Audit and Standards Advisory Committee and then the Audit and Standards Committee for consideration in accordance with the Audit and Accounts Regulations 2015. This requires findings of the review of the system of internal control to be considered by a committee, or by members of the council meeting as whole and that the Annual Governance Statement be approved by resolution of a committee, or members of the council meeting as a whole in advance of approving the statement of accounts.

The Governance Framework consists of a range of documents, policies and procedures developed, maintained and promoted by a number of different departments which are published and promoted to members, officers and others by publication on the council's website.

| This Code will be reviewed ~~after the Annual review~~annually and when any new CIPFA/SOLACE guidance is issued.