

Summary of Changes to the Constitution Since 2017

A fundamental review of the Council's Constitution was commenced in 2017. The table below is a summary of the changes to the Constitution made as a result of that review and also includes other and subsequent changes made to reflect changes to legislation and council policy and practice. It does not include the annual review of the Member Allowances scheme or statutory increases to procurement thresholds

Date of Council Meeting	Change agreed	Comment /detail
27 February 2017	Amendment to Standing Order 45	To clarify the procedure for member motions and in particular to provide Members who move a motion or an amendment with a right of reply to debate in the chamber before a vote is taken on their proposed amendment or and the motion
17 May 2017	(a) Changes to the Scrutiny call-in process	<p>a. Bring the relevant provisions into one location (Standing Orders 20 and 21) and set out more clearly the requirements for a valid call-in request;</p> <p>b. Provide in Standing Order 20(c) the opportunity for informal resolution of member concerns referred to above</p> <p>c. Make clear that a decision cannot normally be implemented during the 5 day call-in period and provide for urgency arrangements, in exceptional circumstances, where immediate implementation is necessary.</p> <p>d. changes to the Call-in Protocol to:</p> <ul style="list-style-type: none"> i. Make the wording a bit clearer in some places; ii. Link more clearly to the relevant standing orders; iii. Be clearer about the information required to be included in a call-in request; iv. Clarify the process for determining whether the criteria to be met before a call-in can proceed are met;
	(b) Establishing the Audit and Standards Advisory Committee	
	(c) Establishing of a Housing Scrutiny Committee	
	(d) Amendment to the members' allowances scheme to reflect the	

	new committee arrangements.	
10 July 2017	(a) Clarification of the Chief Executive's Urgency Powers	To make explicit that this power applies when she is acting as the "Gold" Chief Executive for London local authorities
	(b) Contract Standing Orders amended	For clarification in respect of collaborative procurements.
	(c) Standing Order 78 amended	To add a cross reference to the HR Procedures: Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151/Chief Finance Officer.
18 September 2017	Part 2 (the Articles) of the Constitution removed in their entirety and either merged into other Parts of the Constitution or maintained outside it where appropriate to reduce the length and complexity of the Constitution.	Sections no longer required to be included in the Constitution: <ul style="list-style-type: none"> • Information about the Brent Connects Forums to be held on the Brent Connects area of the council's website • Information about staff consultative bodies to be held on the HR area of the Intranet • Information about the Youth Parliament to be held on the Youth Parliament area of the council's website.
	Part 3 (Standing Orders) and Part 6 (Rules and Procedures) joined into a single Procedural Rules Part for ease of reference.	
	Part 4 (Responsibility for Functions) to in future contain some information moved from Standing Orders which fits logically in that Part and some out of date material removed	
	Changes to arrangements for planning decision.	<ul style="list-style-type: none"> • Changes to the terms of reference of the Planning Committee to achieve greater clarity and a better focus on strategic, timely and cost effective decision making. • Amendment to standing orders relating to public speaking rights; voting; petitions and Members' right to speak at Planning Committee meetings • A revised planning code
	Change to enhance the council's engagement with young people	20 minutes be set aside at alternate council meetings as part of question time for questions to be asked by the Youth Parliament.

	Clarification in respect of the restriction on officer decisions where services are restricted.	
	The Information Governance Manager to be designated as the council's Data Protection Officer required under the General Data Protection Regulation.	
22 January 2018	Part 3 (Responsibility for Functions) to be amended to increase financial limits on officer procurement decisions	
14 May 2018	A simplified version of the Brent Members Code of Conduct adopted	
9 July 2018	Changes to standing orders to improve participation at council meetings.	<ul style="list-style-type: none"> • More opportunity for non-Cabinet Members to ask questions of Cabinet members, including without notice. • Reports from the Chairs of the Scrutiny Committees and the Vice-Chair of the Audit and Standards Advisory Committee: • Delegation of specified categories of executive functions to individual Cabinet Members • Revision of the Cabinet referral criteria following discontinuation of the Highways Committee
26 November 2018	Updates to the North West London Joint Health Overview and Scrutiny Committee terms of reference	
	Dependants' carers' "other duty approved by the authority" to be specified in the Members Allowances Scheme,	
	A review of property delegations to officers to increase thresholds	
	Amendments to the arrangements for Political group motions to so more Members are allowed to speak.	

	Changes to Standing Order 15 to reflect the process planned for the scrutiny of the budget for 2019/20	
25 February 2019	Improved arrangements for members questions	
	The number of Scrutiny committee be reduced from 3 to 2 and Housing scrutiny functions are returned to the Community and Wellbeing Scrutiny committee which was responsible for them prior to the decision to reintegrate Brent Housing Partnership.	
	Decisions about changes to be made to an Operational Director or more senior post to be made by the Chief Executive in consultation with the relevant Cabinet member(s).	
	Align the position for petitions relating to planning applications with that for other petitions.	The Planning Committee should deal with the largest and most strategic applications which require a greater level of public scrutiny; rather than smaller scale applications which may only raise local, rather than strategic issues
1 May 2019	Revision of the categories of decisions reserved to members	
	New delegations direct to Operational Directors, to remove the need to issue and keep up to date individual authorisations and to provide consistency in officer powers at this level.	
	Express provision for the Chief Executive and Strategic Directors to nominate a deputy from time to time to act in their absence	
	Introduction of a defined financial threshold above	

	which decisions will be regarded as “Key”.	
	Introduction of “Recordable Decisions”	A level of decisions below key decisions defined and a process for recording and publishing these be adopted.
19 February 2019	Clarifications as to Service Areas and Departments,	
	Small variations to the Constitution, no longer need to be reported to Council for approval.	
22 February 2021	Introduction of a protocol in respect of Extraordinary meetings of Council	
	Adoption of the ACAS definition of bullying into the Brent Members Code of Conduct	
29 April; 2021	Increased delegations to officers and to Cabinet members to reduce the need for meetings during the pandemic	
	Changes to Contract Standing Orders following a review	Clarification of the defined CSO’s terms, Clarification of when approval or advice should be sought from the Head of Procurement as opposed the Director of Legal, HR and Investigations (the Monitoring Officer).
	Part 3 Responsibility of Functions	Changes pertaining to the Director of Finance and Director of Legal, HR and Audit and Investigations in order to clarify the audit and risk responsibilities;
	Planning Committee terms of reference	Removing the exclusion at 1 vi. (c) certificates of lawful use and development and d) prior approvals, as they are not applications for planning permission and so are not relevant to that part of the terms of reference.
	Update to the Local Code of Corporate Governance to reflect changes arising from the Borough Plan and Brent 2020	

12 July 2021	Designation of some statutory posts	<p>The post of Senior Lawyer, Constitution and Governance in Legal Services designated as the council's DPO</p> <p>The post of Operational Director, Adult Social Care to be designated the statutory Director of Adult Social Services (DASS)</p>
18 May 2022	Changes to reflect the increase to three political Groups on the council.	<p>SO35 –amendment to enable a written question to be submitted by the second opposition Group.</p> <p>SO41 –amendments to enable a Motion to be submitted by the second opposition Group.</p>
	Part 1 - Introduction	Changes to the overall number of councillors and members per Ward following the boundary review and to reflect the actual number of co-opted member's current on the ASAC.
	Part 2 – Procedural Rules	Explicit provision 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.
	Part 3 – Responsibility for Functions	Removal of the special delegations for the Chief Executive due to the pandemic.
	Part 4 – Terms of Reference for Council Committees and Sub-Committees	<p>Amendment to reflect the number of co-opted members on the ASAC.</p> <p>A clarification in respect of the London Council joint committees to make clear whether each committee exercises executive and/or non-executive powers.</p>
	Part 5 – Codes and Protocols	<p>In future failure by councillors to attend mandatory data protection training may lead to a review of their access to council IT systems.</p> <p>Amendment to the Local Code of Corporate Governance to remove references to Brent 2020 and note that a new Borough Plan will be adopted after the local election 2022.</p> <p>Amendment to the Protocol for Member/Officer Relationships to make clear how officers and members should raise concerns under the Code.</p>
	Part 6 – Members Allowances Scheme	Allowances for co-opted (including Independent) members of committees only to be payable for new terms from the council meeting if the co-opted member has not failed to attend a majority of meetings held during a 6 month period.
July 2022	Part 5 – Codes and Protocols	Footnote added to the Code of Conduct to indicate when it was last revised.

September 2022	All Parts	Changes to job title and departmental references to reflect a new senior management structure
	Part 4 – Terms of References	Changes to the Health and Wellbeing Committee terms of reference to reflect recent legislative changes. A new process for the management of joint meetings between the Scrutiny Committees.
	Part 6 – Members Allowances Scheme	Amendment to provide for Carer’s Allowance claims to include travelling time.
January 2023	Part 3 – Responsibility for Functions	Amendment to allocation of functions to Corporate Directors following corporate restructure in 2022.
	Part 5 – Codes and Protocols	Changes to Planning Code of Practice.
February 2023	Part 3 – Responsibility for Functions	Change in delegation relating to grants, approval of SPD, fees and charges and officer decision making in relation to contract and procurement matters.
May 2023	Part 1 - Introduction	Update to current allocation of roles and Cabinet Portfolios
	Part 2 – Procedural Rules	Delegation to Head of Executive & Member Services to make any necessary alterations to Municipal Calendar of Meetings during the year (S023). Change made under delegated powers to reflect changes in the procurement rules that came into force on the 25 th May 2023, and amendments to the arrangements for call-in.
	Part 3 – Responsibility for Functions	Clarification to allocation of functions in respect of plans and strategies in Policy Framework.
	Part 4 – Terms of Reference to Council Committees	Update to Audit & Standards Advisory Committee Terms of Reference to reflect CIPFA guidance.
	Part 5 – Codes & Protocols	Update to Local Code of Corporate Governance and amendments to the arrangements for call-in.
June 2023	Part 3 – Responsibility for Functions	Correction of typo in Table 5
August 2023	Part 4 – Terms of Reference for Council Committees	Changes to the Terms of Reference (ToR) of the North West London Joint Health Overview and Scrutiny Committee.

October 2023	Part 2 – Procedural Rules	Change to Standing Order 42 relating to the process for withdrawal of Council Motions in advance of them being moved.
November 2023	Part 2 – Procedural Rules	Change made under delegated powers to reflect delegation error in SO 66 (g)(ii) and changes in the procurement rules that came into force on the 25 th May 2023
January 2024	Part 2 – Procedural Rules	Contract Standing Orders updated to reflect updated procurement thresholds that came into force on the 1.1.24.
May 2024	All Parts	Changes to reflect the realignment of directorates (including job title and directorate/department names changes).
	Part 1	Changes to reflect the appointments of, and allocation of functions to, Cabinet Members by the Leader.
	Part 2, Procedural Rules	Amendments to Group Motions under Standing Order 41, clarification in Standing Orders 28 in the existing practice that amendments to be proposed to the budget are required to be received in Democratic Services by 5pm the day before the budget setting meeting. Clarification in Standing Order 42 that a “point of order” is confined to an assertion that a breach of Standing Orders or of the law has occurred. Removal of the requirement in Standing Order 76 that a report must be received by the General Purposes Committee following an interim appointment setting out the planned permanent recruitment process.
	Part 3 – Responsibility for Functions	Changes to reflect the Deputy Director of Democratic Services as the Statutory Scrutiny Officer.
	Part 4 - Terms of Reference (ToR)	Changes to the membership of the Audit & Standards advisory Committee is amended to allow for the appointment of up to 4 co-opted independent members. General Purposes Committee ToR amended to specifically include approval of polling places and stations.
	Part 5 – Codes and Protocols	Changes to the Local Code of Corporate Governance to bring it up to date.
	Part 6 – Member’s Allowance Scheme	Amendment to the members’ allowances scheme as a result of annual uplift review.

