

PART 4

TERMS OF REFERENCE FOR COUNCIL COMMITTEES AND SUB- COMMITTEES

Introduction

Health and Wellbeing Board

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Audit and Standards Advisory Committee

Corporate Parenting Committee

Scrutiny Committees

- *Community and Wellbeing Scrutiny Committee*
- *Resources and Public Realm Scrutiny Committee*

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- *Pension Fund Sub-Committee*
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- *Alcohol and Entertainment Licensing Sub-Committee*
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MEMBERSHIP AND TERMS OF REFERENCE OF COUNCIL COMMITTEES AND SUB-COMMITTEES

Introduction

1. The Council has determined that functions of the Council may be discharged by the committees and sub-committees set out below.

Council Committees

2. The Council has appointed the following committees:
 - Health and Wellbeing Board
 - Audit and Standards Committee
 - Audit and Standards Advisory Committee
 - Corporate Parenting Committee
 - General Purposes Committee
 - Planning Committee
 - Licensing Committee
 - Community and Wellbeing Scrutiny Committee
 - Resources and Public Realm Scrutiny Committee
 - Dismissal Advisory Panel

Council Sub-Committees

3. The General Purposes Committee has appointed the following sub-committees:
 - Senior Staff Appointments Sub-Committee
 - Senior Staff Appeals Sub-Committee
 - Pension Fund Sub-Committee
4. The Licensing Committee has appointed 2 Sub-Committees known as the Alcohol and Entertainment Licensing Sub-Committee and the Regulatory Sub-Committee.

Task Groups, Panels and Commissions

5. The Scrutiny Committees may, establish task groups, panels or Commissions.

Political Balance

6. The rules on political balance will apply to all committees and sub-committees except the Alcohol and Entertainment Licensing Sub-Committee. The rules on political balance are disapplied in relation to the Health and Wellbeing Board. The Dismissal Advisory Panel comprises of 3 Independent Persons only.

Terms of Reference and Membership

7. The terms of reference and membership of the committees and any special rules relating to membership are set out below.

Joint Committees

8. A number of joint committees have been established with other London Boroughs under the umbrella of the London Councils. The London Councils Committee and the Transport and Environment Committee exercise executive and non-executive functions.
9. The terms of reference and make up of these committees are described below (even though some of the functions are executive functions).
10. The Council has also established the Northwest London Joint Health Overview and Scrutiny Committee.
11. In November 2017, the Joint Committee of the London Boroughs of Brent, Lewisham and Southwark was established to oversee the provision of a shared ICT Service.

Health and Wellbeing Board Membership

Membership

Voting Membership

- Five elected councillors to be nominated by the Leader of the Council. Four councillors will be Cabinet members from the majority party. The fifth member will be an opposition member. An elected councillor will chair the Health and Wellbeing Board.
- Four representatives of Brent Integrated Care Partnership Executive
- A representative of Healthwatch
- A representative of the nursing and care home sector

Non-voting Membership

- Chief Executive, London Borough of Brent
- Corporate Director, Service Reform and Strategy
- Corporate Director, Children, Young People and Community Development
- Director of Public Health
- Director of Adult Social Services

An elected councillor will chair the Health and Wellbeing Board.

At least one of the North West London Integrated Care System members shall be a GP. This member will also take on the role of Vice Chair of the Health and Wellbeing Board.

All members of the Health and Wellbeing Board have voting rights, except council officers.

The quorum for the Health and Wellbeing Board is four voting members, with at least two councillors and two other voting members (one of which must be a member of the Brent Integrated Care Partnership) present in order for a meeting to take place.

Terms of Reference

Brent's Health and Wellbeing Board will:

1. Lead the improvement of health and wellbeing in Brent, undertaking duties required by the Health and Social Care Act 2012.
2. Lead the needs assessment of the local population and subsequent preparation of the borough's Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy. It will ensure that both are updated at regular intervals and that integrated care strategies that are prepared by the Brent Integrated Care Partnership (Brent ICP) are taken into account in this process.
3. Oversee the implementation of the priorities in the Joint Health and Wellbeing Strategy and other work to reduce health inequalities in Brent.
4. Promote integration and partnership working between health and the council, including social care and public health, across all ages by providing steer and oversight to the Brent ICP board to meet borough's health and wellbeing.
5. Develop initiatives between partners to maximise opportunities for early intervention and prevention.

6. Provide leadership to partner agencies on tackling health inequalities resulting from disparities in housing, education, climate emergency, air quality, physical activity, disability and poverty.
7. Review and respond with its opinion on the Forward Plans that are provided by the North West London Integrated Care System and if appropriate within its discretion, give its opinion on the Forward Plans to NHS England.
8. Contribute to the implementation of strategies developed by partners such as the council's Borough Plan, the NHS Long Term Plan and the Office for Health Improvement and Disparities.
9. Seek assurance of partner plans to responding to a health related emergency, e.g. pandemics.
10. Oversee and ensure publication of borough's Pharmaceutical Needs Assessment, which is updated every three years.
11. Agree an annual work programme for the Board.
12. Consider representations from Brent Scrutiny Committees and Healthwatch Brent on matters within the remit of the Health and Wellbeing Board.
13. To receive updates on partner investments into the local health and wellbeing system and make representations at local and national level on sufficiency of resources (e.g. finance, estates and workforce).

AUDIT AND STANDARDS ADVISORY COMMITTEE

Membership

- The committee comprises 7 non-executive councillors and up to 4 voting co-opted members, one of whom will be the Chair of the committee.

Terms of Reference

Audit

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 Deputy Director, Organisational Assurance and Resilience'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. The Council's constitution in respect of Contract Standing Orders and financial regulations.
10. Any issue referred to it by the Chief Executive or a director, or any council body.
- 11.. 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.
14. 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.
15. The Council's Annual Governance Statement
16. 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 or collaborations
18. The Council's compliance with its own and other published standards and controls.
19. The handling of any reports from the Local Government Ombudsman.

Accounts

20. The external auditor's report to those charged with governance on issues arising from the audit of the accounts.
21. 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:

22. The Council's obligation to promote and maintain high standards of conduct by members and co-opted members.
23. 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.
24. Advice and assistance to members and co-opted members on how to observe the Code and on conduct and standards generally.
25. Training on the Code and conduct and standards generally.
26. Arrangements for dealing with written allegations of failure to comply with the Code.

AUDIT AND STANDARDS COMMITTEE

Membership

- The committee comprises of the 7 councillor members of the Audit and Standards Advisory Committee.

Terms of Reference

Audit

- 1 To review and approve the annual statement of accounts and consider whether there are any issues from the financial statements or from the audit that need to be brought to the attention of the Council.
- 2 To adopt the Council's Annual Governance Statement.

Standards

3. To promote and maintain high standards of conduct by members and co-opted members.
4. To approve codes or protocols to supplement the Brent Members' Code of Conduct as referred by the Monitoring Officer.
8. To approve arrangements for dealing with written allegations of failure to comply with the Code.
9. To deal with matters relating to complaints about the conduct of individual members and co-opted members including what, if any, action to take following the investigation of complaints, the hearing of complaints and determining the sanctions to be imposed and/or action to be taken following a finding of breach.
10. To carry out all other functions relating to complaints about members' conduct referred by the Monitoring Officer.

CORPORATE PARENTING COMMITTEE

Membership:

Lead member for children and young people (Chair), four other elected members of the Council and up to four non-voting co-opted members.

Terms of reference:

1. To secure sustained improvements in the life chances of looked after children and care leavers in Brent and work within an annual work plan to that end.
2. To ensure the Council is fulfilling its duties for looked after children and care leavers corporately and with other partners and statutory agencies to ensure services are responsive to the needs of looked after children and care leavers.
3. To monitor and review the quality and effectiveness of services across the council, partner agencies and commissioned services to achieve continuing improvements in outcomes for looked after children and care leavers.
4. To provide a forum for children in care in Brent to talk about issues relating to their experience of being looked after by the Council and to participate in decision making.
5. To directly receive the views of children and young people looked after and leaving care via the Children in Care Council mechanisms and annual consultation to ensure their views and experiences directly influence decisions made at this level.
6. To promote joint-working arrangements between council Directorates and partner agencies in order to improve outcomes for looked after children.
7. To consider recommendations from internal and external inspections and reviews, to agree the actions needed to address any issues identified and to evaluate the implementation of any agreed plan.
8. To champion the educational achievement of children in care.
9. To develop, maintain and keep under review the Brent Looked After Children and Care Leaver Strategy and Action Plan.
10. To consider matters referred to the Committee within its terms of reference and to make recommendations as appropriate to the relevant committee, portfolio holder, officer or partner agency.
11. To provide an annual report on the work of the Committee, highlighting strengths and areas for development in supporting looked after children in Brent.

SCRUTINY COMMITTEES

General

The general membership rules and terms of reference of the Council's scrutiny committees are set out below. Each scrutiny committee may exercise any of the functions set out in the general terms of reference only in respect of those functions which are relevant to the remit of the committee. Any additional functions which are specific to individual committees are set out separately.

The terms of reference of the scrutiny committees reflect the functions the Council must ensure its scrutiny committees can exercise as well as those functions which the Council has decided to delegate to its scrutiny committees. Scrutiny committees are unable to exercise any other functions.

From time to time an issue may arise which fall within the terms of reference of both Scrutiny committees. On these occasions, it may be convenient for the two committees to meet together to consider an item relating to that matter. Should this occur, as the committees remains separately constituted, each committee will continue to be required to meet its own quorum requirements, vote on recommendations at the end of the item (if a vote is required) and be chaired by its own chair.

In order to facilitate an orderly discussion of the item by members of the two committees, the committee chairs will seek to agree between them which of them will co-ordinate proceedings at the joint meeting. In the event that agreement is not reached, agreement will be sought at an informal pre-meeting of both committees.

General Membership rules

Each committee shall comprise of 11 councillors in total. None of the councillors shall be members of the Cabinet or the Health and Wellbeing Board.

General Terms of Reference

Meet six times each municipal year and as and when required to consider any matter 'called-in' in accordance with standing orders.

Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive.

Make reports or recommendations to Full Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the executive.

Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive.

Make reports or recommendations to Full Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the executive.

Make reports or recommendations to Full Council or the Cabinet on matters which affect the borough or its inhabitants.

Decide, in accordance with standing orders, whether a decision made but not implemented in connection with the discharge of any functions which are the responsibility of the executive should be reconsidered or to arrange for Full Council to decide whether the decision should be reconsidered (i.e. to exercise 'call-in' powers).

Review or scrutinise the performance of any body carrying out any function on behalf of or in partnership with the Council.

Commission in depth evidence based reviews.

Consider requests for reviews on the handling of petitions in accordance with standing orders. Produce and publish an annual report.

Co-ordinate the activities of the Committee with scrutiny undertaken by the voluntary sector and other bodies.

General Limitations

The terms of reference of the scrutiny committees exclude matters concerning individual applications for consent, permission, approval, registration or grants. Examples include but are not limited to individual planning and licensing decisions.

Community and Wellbeing Scrutiny Committee

Specific Membership Rules

In addition to the 11 councillors, the membership of the Community and Wellbeing Scrutiny Committee shall comprise of 4 voting education co-opted members (who may vote on matters relating to school education only) and 2 non-voting education co-opted members (who may not vote on any matter).

Remit

Adult social care; Safeguarding; Children's services; Cultural services; Education; Health; Housing; Public Health and Wellbeing.

Specific Terms of Reference

Discharge the functions of the Council under Part 4 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 in respect of the review and scrutiny of relevant NHS bodies or relevant health service providers including:

- reviewing or scrutinising any matter relating to the planning, provision and operation of the health service in the borough; and
- making reports or recommendations to the relevant NHS bodies or relevant health service providers or Full Council on any matter reviewed or scrutinised; however
- in response to any consultation by the relevant NHS bodies or relevant health service providers in respect of any proposal for a substantial development of the health service in the borough or for a substantial variation in the provision of such service, to make recommendations to Full Council only.

Resources and Public Realm Scrutiny Committee

Remit

Corporate policy, partnerships and resources; Budget; Customer services; Commercial services; Planning policy; Environmental policy; Public realm; Employment and skills; IT; Recycling; Regeneration; Transport and highways; Community safety; Property; Emergency planning and business continuity.

Specific Terms of Reference

Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities (as defined by section 5 of the Crime and Disorder Act 1998) of their crime and disorder functions and to make reports or recommendations to Full Council with respect to the discharge of those functions. This committee is therefore the “crime and disorder committee” for the purposes of section 19 of the Police and Justice Act 2006.

Review or scrutinise the exercise by risk management authorities (including the Council, the Environment Agency and water companies) of flood risk management functions which may affect the borough for the purposes of Part 1 of the Flood and Water Management Act 2010.

GENERAL PURPOSES COMMITTEE

Membership

- The committee comprises 8 councillors.

Terms of Reference

1. Subject to paragraph 10 below, to carry out those functions specified in this Constitution as being the responsibility of the General Purposes Committee, except to the extent that those functions have been delegated to officers or sub-committees of the General Purposes Committee, including but not limited to: -
 - (a) closing and creating footpaths, public rights of way and bridleways;
 - (b) public path and railway extinguishments orders; and
 - (c) agreeing changes to appointments to outside bodies.
2. To appoint its sub-committees as set out in the Constitution.
3. To set the Council Tax Base.
4. To agree the calculation of estimated income from National Non-Domestic Rates.
5. To determine the terms and conditions on which staff appointed by the Senior Staff Appointments Sub-Committee shall hold office, including procedures for their dismissal, and to determine the grading structure to be applied to posts appointed by the Senior Staff Appointments Sub-Committee.
6. To determine the overall framework of terms and conditions of service for employees.
7. To consider workforce equalities and diversity matters referred to it by the Corporate Director, of Finance and Resources.
8. To determine matters referred to it by the Corporate Director of Finance and Resources or the Pension Fund Sub-Committee concerning the Council's functions under the Local Government Pension Scheme.
9. To agree changes to polling districts, places and stations.
10. To carry out any non-executive functions which are not the responsibility of any other person or Council committee or sub-committee, except where prevented by law from doing so or by any other provision in this Constitution.
11. To carry out any other functions which are non-executive functions and which have been delegated to its sub-committees or officers but which the relevant sub-committee or officer is for whatever reason unable or unwilling to so exercise.

PENSION FUND SUB-COMMITTEE

Membership

The sub-committee comprises 7 councillors and 2 non-voting co-opted members from the College of North West London and Brent Care at Home.

Terms of Reference

1. To undertake statutory functions on behalf of the Local Government Pension Scheme and ensure compliance with legislation and best practice.
2. To determine policy for the investment, funding and administration of the pension fund.
3. To consider issues arising and make decisions to secure efficient and effective performance and service delivery.
4. To appoint and monitor all relevant external service providers for the Brent Pension Fund, namely:
 - fund managers;
 - custodian;
 - corporate advisers;
 - independent advisers;
 - actuaries;
 - governance advisers;
 - all other professional services associated with the pension fund.
5. To monitor performance across all aspects of the service.
6. To ensure that arrangements are in place for consultation with stakeholders as necessary.
7. To consider the annual statement of pension fund accounts.
8. To consider and approve the Brent Pension Fund actuarial valuation.

SENIOR STAFF APPOINTMENTS SUB-COMMITTEE

Membership

- The sub-committee comprises 5 councillors, at least one of whom shall be a member of the Cabinet.

Terms of Reference

To make appointments to the senior posts set out in the Standing Orders relating to Staff, subject to first complying with the procedures for such appointments set out in those Standing Orders and on the terms and conditions agreed by the General Purposes Committee.

SENIOR STAFF APPEALS SUB-COMMITTEE

NB: The committee will meet on an ad hoc basis as required.

Membership

The sub-committee comprises 5 councillors.

Terms of Reference

To consider and determine, in accordance with the relevant terms and conditions of service, any appeal by any Corporate Director and, exceptionally, any Director against any dismissal arising out of disciplinary action.

PLANNING COMMITTEE

Membership

- The committee comprises 8 councillors or such other number of councillors as Full Council may determine from time to time.

Terms of Reference

1. To determine the following:

- a. Applications for Planning Permission made under the Town and Country Planning Act 1990; and
- b. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990,

where the recommendation is for approval and the application falls within at least one of the following categories:

- i. construction of 20 or more dwellings
- ii. outline residential development with a site larger than 0.1 hectare
- iii. construction of a non-residential building exceeding 1,000sq. metres in floorspace outside a designated Strategic Industrial location or Locally Significant Industrial site;
- iv. outline non-residential development with a site larger than 0.1 hectare, outside a designated Strategic Industrial location or Locally Significant Industrial site;
- v. the matter relates to a proposal falling within one of the categories i. to iv. above, and would, if approved, represent a significant departure from one or more of the policies in the Development Plan and, in the opinion of the Corporate Director Neighbourhoods and Regeneration or the Head of Planning constitute a substantial conflict with the aims and objectives of the relevant policy or policies; or
- vi. 8 or more written objections or a petition containing at least 51 signatures have been received, in accordance with the criteria set out below but only if the application does not relate to:
 - a. alterations to residential buildings including extensions, outbuildings (including garages), walls, vehicular accesses, hardstandings, porches, aerials;
 - b. satellite television dishes or aerials;

2. To determine the following:

- a. Applications for Planning Permission made under the Town and Country Planning Act 1990; and
- b. Applications for Listed Building Consent made under the Planning (Listed Buildings and Conservation Areas) Act 1990,

where at least three Brent Councillors have requested, in accordance with the criteria set out below, that the application be considered by the Planning Committee.

3. To determine or consider any other planning application or planning matter, including pre-application presentations and proposals subject to non-determination appeals, referred to the committee by the Corporate Director, Neighbourhoods and Regeneration or the Head of Planning.
4. To determine any other planning application or planning matter which the Planning Committee has specifically indicated it wishes to consider itself with the exception of proposals subject to non-determination appeals which in the opinion of the Corporate Director, Neighbourhoods and Regeneration or the Head of Planning require an urgent response.

Limitations

With the exception of applications falling within paragraphs 1. vi. or 2. above, section 73 of the Town and Country Planning Act 1990 applications for minor material amendments are excluded unless, in the view of the Corporate Director, Neighbourhoods and Regeneration or the Head of Planning, the minor material amendment raises issues of planning significance not previously considered.

Criteria for written objections

For the purposes of paragraph 1. vi. above, an objection is valid only if, in the opinion of the Corporate Director, Neighbourhoods and Regeneration or the Head of Planning, all of the following criteria are met:

- it is submitted on-line via the Council's Planning Public Access System or it is received by letter or an email*;
- it is in response to a current application that has been publicised by the Council;
- it includes the person's name and postal address;
- it is from a person who lives or works or carries on a business:
 - in Brent; or
 - in a ward which is actually and directly affected by the application and adjoins Brent but is in a neighbouring authority's area;
- it raises planning considerations that are material and related to the application;
- it clearly states what is being objected to and gives reason(s) which are relevant planning considerations; and
- any material planning objection raised cannot be overcome by imposing planning condition(s) or securing planning obligation(s).

* Identical, similar or pro-forma letters or emails, which also meet all of the above criteria, will each be treated as a single signature in support of a petition and not as individual objections in their own right.

Criteria for Councillor referral (Call- in procedure)

An application will fall within paragraph 2. above if, in the opinion of the Corporate Director, Neighbourhoods and Regeneration or the Head of Planning, all of the following criteria are met:

- it clearly states that the Councillor wishes the application to be determined by the Planning Committee and explains why it is not appropriate for the application to be determined under officer delegated powers;
- it states whether or not the Councillor has been in contact with the applicant, agent, objector(s) or any other interested party concerning the application and, if so, provides details of the approach(es), including the identity of the person(s);
- it is in response to a current application that has been publicised by the Council; and
- it raises planning considerations that are material and related to the application.

LICENSING COMMITTEE

Membership

- The Committee comprises 10 members.

Terms of Reference

1. To discharge all (non-executive) licensing functions of the Council under the Licensing Act 2003 and the Gambling Act 2005, except
 - a. the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act;
 - b. the making, and varying or revoking, of an order under section 172A of the Licensing Act (early morning alcohol restriction order); and
 - c. and the making of a resolution not to issue a casino premises licence under section 166 of the Gambling Act.
2. To discharge all of the Council's other licensing and registration functions which are not the responsibility of Cabinet or have not been reserved for Full Council.
3. To consider and review policies, procedures and other issues falling within the terms of reference of the Committee.
4. To establish and appoint to sub-committees to discharge:
 - a. the Committee's functions under the Licensing Act 2003;
 - b. the Committee's functions under the Gambling Act 2005; and
 - c. all of the Council's other licensing and registration functions.
5. To arrange for the discharge of its functions by officers as permitted by law.
6. To receive and consider annual reports, where appropriate, on the needs of the local tourist economy, employment and investment in the area and any other matter directly related to the licensing functions in the borough.
7. To direct officers to report to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

Alcohol and Entertainment Licensing Sub-Committee

Membership

- The sub-committee shall comprise of 3 members.
- All members and alternate members must be members of the Licensing Committee.

Terms of Reference

To consider and determine applications and other matters under the Licensing Act 2003 which cannot be determined by officers in accordance with section 10 of the Licensing Act 2003 or any other enactment and any other matter referred to it for determination by the Corporate Director Neighbourhoods and Regeneration.

To consider and determine applications and other matters under the Gambling Act 2005 which cannot be determined by officers in accordance with section 10 of the Licensing Act 2003, as applied by various provisions of the Gambling Act 2005 or any other enactment, and any other matter referred to it for determination by the Corporate Director. Neighbourhoods and Regeneration.

Regulatory Sub-Committee

Terms of Reference

- The sub-committee shall comprise of 5 members.
- All members and alternate members must be members of the Licensing Committee.

To discharge all of the Licensing Committee's licensing and registration functions which do not relate to the Licensing Act 2003 or the Gambling Act 2005.

DISMISSAL ADVISORY PANEL

Membership

- The Panel comprises 3 independent persons appointed under s28 (7) of the Localism Act 2011 and in accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ('the 2015 Regulations).
- The Panel shall be appointed at least 20 working days before any meeting of Full Council to consider whether or not to approve a proposal to dismiss the Chief Executive, Monitoring Officer or Director of Finance for any reason other than redundancy, permanent ill-health or infirmity of mind or body.

Terms of reference

1. The function and remit of the Panel are as set out in the 2015 Regulations. Accordingly, the Panel can give advice, express its views and make recommendations to Full Council before it meets to consider whether or not to approve a proposal to dismiss the Chief Executive, Monitoring Officer or Director of Finance.

JOINT COMMITTEES

1. INTRODUCTION

The Council is a member of a number of joint committees under the umbrella of London Councils (formerly known as the Association of London Government or the ALG). The ALG Agreement dated 1 April 2000 (as varied by an agreement dated 13 December 2001) established the Leaders' Committee, the Grants Committee and the London Housing Unit Committee as joint committees. There is a further agreement dated 15 January 1998 (as varied by the Agreement dated 13 December 2001), which established another joint committee known as the Transport and Environment Committee. The Council is also a member of the Northwest London Joint Health and Overview and Scrutiny Committee and the West London Economic Prosperity Board. In November 2017, the Joint Committee of the London Boroughs of Brent, Lewisham and Southwark was established to oversee the provision of a shared ICT Service.

2. LONDON COUNCILS' COMMITTEE (KNOWN AS THE LEADERS' COMMITTEE)

Membership

- The Leaders' Committee is comprised of the Leader of each of the 33 London Local Authorities including the Leader of Brent Council.

Terms of Reference

(This joint committee discharges executive and non-executive functions)

The terms of reference of the Committee are set out in full in the Agreement dated 1 April 2000 and are summarised below:

1. To consult on the common interests of the London Local Authorities and to discuss matters relating to Local Government.
2. To represent the interests of the London Local Authorities to national and Local Government, to Parliament, to the European Union and other international organisations and to other bodies and individuals, and to negotiate as appropriate on behalf of member authorities.
3. To formulate policies for the development of democratic and effectively management Local Government.
4. To provide forums for the discussion of matters of common concern to the London Local Authorities and a means by which their views may be formulated and expressed.
5. To appoint representatives or staff to serve on any other body.
6. To represent the interests of the London Local Authorities as employers.

7. To provide services to the London Local Authorities including the dissemination of information on Local Government and on other relevant issues.
8. To provide information to the public, individuals and other organisations on the policies of London Councils and Local Government issues relevant to London.
9. To act as the regional body of the Local Government Association.
10. To act for, and on behalf of London Local Authorities in their role as employers, through the provision and development of a range of services.

Rules of Procedure

The rules of debate and procedure for the conduct of meetings of the Leaders' Committee are set out in Standing Orders contained in the 1 April 2000 Agreement and which are also published on the London Councils' website. London Councils is also required to comply with Financial Regulations contained in the ALG Agreement. These Standing Orders and Financial Regulations also apply to the other London Councils joint committees detailed below.

3. TRANSPORT AND ENVIRONMENT COMMITTEE

Membership

- This Committee was established under an Agreement dated 15 January 1998, which was varied by Agreements dated 13 December 2001 and 1 May 2003. The Committee is comprised of one councillor from each of the London Local Authorities including a councillor from Brent Council and Transport for London.

Terms of Reference

(This joint committee discharges executive and non-executive functions)

The terms of reference of the Committee are set out in full in the Agreement of 13 December 2001 and are summarised below:

1. Appoint and provide accommodation and administrative support for parking adjudicators and determine the places at which parking adjudicators are to sit.
2. Determine the penalty charge levels and fees for de-clamping, vehicle recovery, storage and disposal subject to the approval of the Secretary of State.
3. Determine the rate of discount for early payment of penalty charge notices.
4. Determine the form for aggrieved motorists to make representations to London Local Authorities under Section 71 of the Road Traffic Act 1991.

5. The publication and updating as necessary of the Code of Practice for Parking in London.
6. The co-ordination and maintenance of vehicle removal and clamping operations.
7. The establishment of links with the Metropolitan and City Police and County Courts and the DVLA.
8. Ticket processing, general data collection and service monitoring.
9. The establishment of common training standards in connection with parking standards, the accreditation of training centres and award qualifications.
10. The establishment of London-wide parking schemes.
11. Implementation and enforcement of the London Lorry Ban.
12. Managing the Concessionary Fares Scheme.
13. Managing the London Taxicard Scheme.

4. GRANTS COMMITTEE

Membership

- This Committee was established to take decisions in relation to the London Councils Grants Scheme which was established under section 48 of the Local Government Act 1985. The members of the Grants Committee are from the 33 London Boroughs (this includes the City of London).

Terms of Reference

(This joint committee discharges executive functions)

The Terms of Reference of the Committee are:

1. to ensure the proper operation of the London Borough Grants Scheme;
2. to make recommendations to the Leaders' Committee on overall policies, strategy and priorities;
3. to make recommendations to the Leaders' Committee on the annual budget for the London Borough Grants Scheme;
4. to consider grant applications and make grants to eligible voluntary organisations;
and

5. to make all decisions relating to the making of grants and the operation of the scheme save those which are specifically reserved to constituent councils.

5. LONDON HOUSING CONSORTIUM

Membership

- The London Housing Consortium is a joint committee and is a building procurement consortium for housing, schools and corporate buildings. There are 12 Full Members of the London Housing Consortium which comprise of ten London Boroughs, Buckinghamshire County Council and one registered social landlord.

Terms of Reference

The Terms of Reference of this Committee are:

1. To provide specialist technical and procurement services related to building programmes undertaken by London Housing Consortium constituent authorities and other public sector bodies.
1. To establish, develop and manage framework agreements for the procurement of building components and services for the use and benefit of all constituent authorities and other public sector bodies.

NORTH WEST LONDON JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Membership

One nominated voting member from each Council participating in the North West London Joint Health Overview and Scrutiny Committee plus one alternate member who can vote in the voting member's absence. In addition, one non-voting co-opted member of the London Borough of Richmond. The committee will require at least six voting members in attendance to be quorate. The North West London Joint Health Overview and Scrutiny Committee will elect its own Chair and Vice Chair. Elections will take place on an annual basis each May, or as soon as practical thereafter, to allow for any annual changes to the committee's membership.

Terms of Reference

1. To scrutinise the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; in particular the implementation plans and actions by the North West Integrated Care System and their Integrated Care Board, focusing on aspects affecting the whole of North West London. Taking a wider view than might normally be taken by individual local authorities
2. To review and scrutinise decisions made, or actions taken by North West London Integrated Care System, their Integrated Care Board and/or other NHS service providers, in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London, where appropriate.
3. To make recommendations to North West London Integrated Care System and its Integrated Care Board, NHS England, or any other appropriate outside body in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; and to monitor the outcomes of these recommendations where appropriate.
4. To require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply with the scrutiny function of health services in North West London. Individual local authority members of the North West London Joint Health Overview and Scrutiny Committee will continue their own scrutiny of health services in, or affecting, their individual areas (including those under the for North West London).

5. To delegate the functions and powers available to local authorities under Section 23 and 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to collectively respond to any formal consultations on proposals for substantial developments or variations in health services affecting the area of North West London on behalf of all boroughs participating in the JHOSC.

Duration

The Joint Health Overview and Scrutiny Committee will continue until all participating authorities decide otherwise and does not preclude individual authorities from leaving the Committee if they choose to do so. The Committee will keep under review whether it has fulfilled its remit and recommendations of the Committee will be reported to a Full Council meeting of each participating authority, at the earliest opportunity

WEST LONDON ECONOMIC PROSPERITY BOARD

Membership

One member from each participating borough. Brent Council will be represented by the Leader or another Member of the Cabinet nominated by the Leader.

Terms of Reference

The participating boroughs have agreed arrangements for certain of their functions to be discharged jointly with the intention of promoting economic prosperity in West London as detailed in the Board's Functions and Procedure Rules and other governance documentation.

JOINT COMMITTEE OF THE LONDON BOROUGHS OF BRENT, LEWISHAM AND SOUTHWARK

1. Establishment of a Joint Committee

- 1.1. The Joint Committee shall be formed of the London Boroughs of Brent, Lewisham and Southwark.
- 1.2. In exercise of their powers under the Local Government Act 1972, the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and all other enabling powers the Councils (which for this purpose includes Brent's Cabinet, Southwark's Cabinet and Lewisham's Mayor and Cabinet) shall establish a joint committee to be known as the Joint Committee of the London Boroughs of Brent, Lewisham and Southwark (and within these Terms of Reference also referred to as "the Joint Committee") with effect from 1st November 2017.

2. Purpose and function

2.1. The London Boroughs of Brent, Lewisham and Southwark have established the Joint Committee to discharge executive functions on behalf of the three boroughs, in so far as they relate to joint activities or areas of common concern in relation to the provision of ICT infrastructure and related supporting services. The Joint Committee shall be responsible for and shall have delegated to it the following functions of the Councils as set out in a written agreement between the Councils and referred to in these Terms of Reference as the Shared ICT Service Agreement (the Agreement):

- the strategic direction for the Shared ICT Service
- those matters for which it is identified as responsible for under the Agreement
- to consider matters referred to it by the Joint Management Board (as referred to in the Agreement)
- to act as the decision making body in respect of any joint decision required to be taken by the Councils under the Agreement other than those that have been excluded and defined as Reserved Decisions

Which shall together be known as “the Agreed Functions”.

2.2. The governance arrangements provide flexibility so that the Agreed Functions can be added to or amended over time.

2.3. Each Council hereby empower the Joint Committee to discharge on their behalf the Agreed Functions and empower the Joint Committee to arrange for the discharge of the Agreed Functions or any of them by any officer or officers of the Councils.

2.4. The Joint Committee shall operate and discharge its responsibilities in accordance with the terms of these Terms of Reference and the Agreement.

2.5. The work of the Joint Committee shall be supported by the Joint Management Board.

2.6. The Joint Committee does not have power to exercise non-executive functions on behalf of the Councils.

2.7. The initial meeting of the Joint Committee shall take place within six (6) months of the Effective Date and thereafter, they shall occur twice yearly.

2.8. Meetings of the Joint Committee shall be rotated between the offices of each of the Councils.

2.9. The Joint Committee may delegate to an officer of the Councils but may not delegate to sub-committees.

2.10. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under the following paragraph.

2.11. The public may be excluded from a meeting of the Joint Committee during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I and Schedule 12A to the Local Government act 1972 would be disclosed to them.

3. Business to be transacted

3.1. Standing items for each meeting of the Joint Committee will include the following:

- Apologies for absence
- Declaration of Interest
- Minutes of the Last Meeting
- Provision for public participation
- Substantive items for consideration.
- Exclusion of the Public
- Closed items for consideration

3.2. The Chair may vary the order of business and take urgent items as specified in the Access to Information Requirements / Rules as set out in the respective Councils' constitutions at his/her discretion. The Chair should inform the Appointed Members of the Joint Committee prior to allowing the consideration of urgent items.

3.3. An item of business may not be considered at a meeting unless:

3.3.1. A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting unless it contains confidential information or exempt information as referred to in the Access to Information Requirements / Rules referred to in paragraph 3.2; or

3.3.2. By reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency, or

3.3.3. "Special Circumstances" justifying an item being considered as a matter of urgency will relate to both why the decision could not be made at the meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

4. Extraordinary meetings

- 4.1. Arrangements may be made following consultation with Chair of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chair should inform the Appointed Members prior to taking a decision to convene an extraordinary meeting.
- 4.2. The business of an extraordinary meeting shall be only that specified on the agenda.

5. Cancellation of meetings

- 5.1. Meetings of the Joint Committee may, after consultation with the Chairman, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meeting may be varied after consultation with the Chairman and Appointed Members of the Joint Committee in the event that it is necessary for the efficient transaction of business.

6. Rules of debate

- 6.1. The rules of debate in operation in the Chair's Council shall apply.

7. Request for determination of business

- 7.1. Any Appointed Member of the Joint Committee may request at any time that:
- The Joint Committee move to vote upon the current item of consideration.
 - The item be deferred to the next meeting.
 - The item be referred back to a meeting of the Chief Executives of the Participating Boroughs for further consideration.
 - The meeting be adjourned.

The Joint Committee will then vote on the request.

8. Urgency Procedure

- 8.1. Where the Chair (following consultation with the Appointed Members of the Joint Committee) is of the view that an urgent decision is required in respect of any matter within the Joint Committee's functions and that decision would not reasonably require the call of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may request in writing the Chief Executive of each Council (in line with pre-existing delegations in each Council's Constitution) to take urgent action as is required within each of the constituent Councils.

9. Membership

9.1. Each Council shall appoint two of its Council Members to sit on the Joint Committee as “Appointed Members” to the Joint Committee. Each Council should also appoint a named substitute/s to attend in the event any one member is absent. Appointed Members or their named substitute shall be an executive member for those operating executive governance arrangements). The member appointed as a substitute shall have full voting rights when they are acting as substitute.

9.2. Each Appointed Member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but shall cease to be an Appointed Member of the Joint Committee if he or she ceases to be a member of the Council appointing him or her.

10. Chair

10.1. The Chair of the Joint Committee shall be rotated between the Appointed Members of the Councils for each meeting of the Joint Committee.

11. Quorum

11.1. A meeting of the Joint Committee shall require a quorum of three of the six Appointed Members of the Joint Committee and that there shall be no quorum unless at least one Appointed Member from each Council is present.

12. Voting

12.1. The Joint Committee’s decision making will operate on the basis of mutual cooperation and consent. It is expected that decisions will be taken on a consensual basis wherever reasonably possible.

12.2. Where a vote is required it will be on the basis of one vote per member and unless a recorded vote is requested, the Chair will take the vote by show of hands.

12.3. Any matter shall be decided by a simple majority of those members voting and present. Where there is an equality of votes, the Chair of the meeting shall have a second and casting vote.

12.4. Reserved Decisions must be referred back to the members of each Council.

13. Overview and scrutiny

13.1. Overview and scrutiny (within the meaning of the Local Government Act 2000) will be the responsibility of each Council and the appropriate scrutiny arrangements of each Council will apply subject to any necessary changes being made to meet the circumstances of the Joint Committee arrangement.

14. Administration

14.1. Administrative support for the meetings of the Joint Committee will be provided by the Host Authority and will be formally designated as clerk to the Joint Committee with responsibility for the provision of administrative support.

15. Lead Borough / Accountable Body Arrangements

15.1. The London Borough of Brent is the lead accountable body for the Shared ICT Service.

16. Dispute Resolution

16.1. Any dispute that arises as a result of these Terms of Reference shall be dealt with in accordance with Clause 17 of the Agreement governing the Shared ICT Service.