Brent	**Full Council** 14 September 2026
	Report from the Corporate Director of Finance & Resources

Changes to the Constitution

Wards Affected:	All
Key or Non-Key Decision:	Council
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
List of Appendices:	One Appendix 1: Proposed tracked changes relating to Planning Committee reforms
Background Papers:	None
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1.0 Executive Summary

1.1. This report proposes constitutional changes to the terms of reference of the Planning Committee (Part 4 of the Constitution), including consequential changes, Full Council meeting standing orders (Part 2 of the Constitution) and the Members' Allowance Scheme (Part 6 of the Constitution).

2.0 Recommendation(s)

2.1 To review and agree the changes to the Constitution set out in this report and Appendix 1.

2.2 To authorise the Director of Law and Monitoring Officer to amend the Constitution accordingly, including making any necessary incidental or consequential changes.

3.0 Detail

3.1 Contribution to the Borough Plan and Strategic Priorities

3.1.1 Ensuring the Constitution is kept up to date and supportive of good governance contributes to the delivery of all the strategic priorities within the Borough Plan by supporting and enhancing the Council's activity.

3.2 Background

3.2.1 A general review of the provisions of the Constitution and its operation is being undertaken on an on-going basis to not only ensure it remains up to date and fit for purpose but also to secure improvements and deliver the objectives of the Council.

3.2.2 The proposals set out in this report have been informed by cross-party discussion at the Constitution Oversight Group (COG). COG is an informal officer/member working group. The political membership of the COG is balanced and it has met twice since the last Full Council meeting.

4.0 Proposals

Planning Committee Reforms

Background

4.1 The Planning and Infrastructure Act 2025 amends the Town and Country Planning Act 1990 and allows the Secretary of State to make regulations implementing a National Scheme of Delegation of planning functions. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the regulations) are due to come into force on **31 October 2026**.

4.2 The regulations are also supported by statutory guidance, namely, Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England published on 1 June 2026 (the guidance). The council must have regard to the guidance in making and operating arrangements for the delegation of planning decisions and can be accessed via this link: Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK.

4.3 These reforms will introduce national changes to planning powers, with new rules on which applications must be delegated to officers in all cases and which types of planning applications *may* be referred to the Planning Committee.

Summary of new delegation arrangements

4.4 The regulations set out types of applications where decisions:

4.4.1 **must** be delegated to officers in all cases (these are referred to as any 'Schedule 1 application'); and

4.4.2 are **presumed** to be delegated to officers (these are referred to as any 'Schedule 2 application') **unless**:

- exceptionally, 'the nominated member and nominated officer' **agree** at least one of the criteria in regulation 5(3) is met; **or**
- it is 'an own-interest application' which is an application made by or on behalf of the council, a member or officer of the council (whether or not jointly with any other person) or, in the view of the nominated member and the nominated officer, the council or any of its members or officers has an interest in the application. This could, for example, include an entity owned or controlled (whether wholly or partly) by the council or any of its members or officers; **and**
- the nominated member and nominated officer **agree** they should be referred to a planning committee or sub-committee for determination.

4.5 The regulation 5(3) criteria are as follows:

4.5.1 The application raises a significant planning matter having regard to the development plan and any other material considerations.

4.5.2 The application raises an economic, social or environmental issue of significance to the local area.

4.6 In considering whether to make a referral, the nominated member and nominated officer must have regard to the guidance.

4.7 References to 'the nominated member and nominated officer' include more than one member or officer and allow substitutes to be nominated. According to the guidance:

4.7.1 the nominated officer should be the Chief Planning Officer or equivalent officer who has extensive professional planning experience. However, local planning authorities will also need to ensure they have other senior planning officers who can provide cover if needed to avoid any unnecessary delays in the referral process; and

4.7.2 the nominated member should be the Chair of the Planning Committee. As in the case of nominated officers, the authority will need to ensure there are arrangements in place for other members to cover should the nominated member not be available.

4.8 The regulations state expressly that where an application is to be determined by an officer, "the authority must not make arrangements that limit the officer's discretion as to how to determine that application".

4.9 Where a planning function is not listed in either Schedule 1 or 2, it is for the local planning authority to decide whether it should be delegated to an officer or referred to a committee or sub-committee for a decision as part of its Constitution.

4.10 Under the national scheme of delegation, current practices set out in local authority constitutions, such as the power for ward councillors to require cases to be called in for committee consideration or having trigger points for referral to committee if a certain number of objections is reached, will not be possible. Local authorities are required to amend their constitutions to align with the national scheme of delegation.

4.11 It is for individual local planning authorities to put in place their own arrangements for how the consideration of cases for referral to committee will operate in practice.

4.12 The guidance highlights where local planning authorities anticipate that there may be a significant number of applications which meet the criteria in regulation 5(3) or own-interest applications and which could therefore, be considered for referral to committee, they may wish to put in place a triage system to ensure that the nominated officer and nominated member are not overwhelmed and to avoid any unnecessary delays in planning decision making.

4.13 The guidance sets out as a minimum, the local planning authority should keep a record of the cases the nominated officer and nominated member have considered for referral to committee, the outcome of their consideration and the reasons for their decision. They should report this to the Planning Committee on a regular basis and make it available on their website.

4.14 The tracked changes to the Constitution relating to the Planning Committee reforms are attached as **Appendix 1**.

Size of committees

4.15 The regulations also prescribe that the number of members on a planning committee or sub-committee must not be more than 13. This is a maximum figure and there is no requirement for the council to increase the size of its Planning Committee from 8 members.

Training

4.16 For completeness, Members are advised that section 53 of the Planning and Infrastructure Act 2025 allows the Secretary of State to make regulations regarding the training of, among others, planning committee members. The regulations must provide for the satisfactory completion of the training to be evidenced by a certificate valid for a prescribed period.

4.17 If and when such regulations are made, a member who does not hold a valid certificate will be prohibited from exercising the council’s planning functions.

Full Council meeting standing orders

Appointment of the Mayor and Committee and Sub-Committee Chairs and Vice Chairs

4.18 The appointment of the mayor and committee chairs and vice-chairs is a Full Council function. Whereas, the relevant committee appoints sub-committee chairs and vice chairs. The council's standing orders relating to meetings would benefit from expressly stating the nomination and voting procedure for these appointments as follows:

"SO 27 The Annual Meeting
(a)* Mayor
To elect the Mayor for the following year.

Nominations for the Mayor shall be considered in the order in which they are received by the Deputy Director Democratic & Corporate Governance. Each nomination shall be put to the vote separately. Where a nomination receives a simple majority of the members present and voting, the nominee shall be appointed and no further nominations shall be considered. If a nomination is not approved, the next nomination shall be put to the vote until an appointment is made."

"SO 30(g) Appointments to Committees and Outside Bodies and Appointments of Chairs/Vice Chairs
If necessary, to agree appointments to committees and outside bodies and to agree the appointment or replacement of Chairs and/or Vice Chairs of committees.

Nominations for committee Chairs and/or Vice Chairs shall be considered in the order in which they are received by the Deputy Director Democratic & Corporate Governance. Each nomination shall be put to the vote separately. Where a nomination receives a simple majority of the members present and voting, the nominee shall be appointed, and no further nominations shall be considered. If a nomination is not approved, the next nomination shall be put to the vote until an appointment is made."

"SO 49 Appointments to and chairs of Council Committees and Sub-Committees
…
Nominations for sub-committee Chairs and/or Vice Chairs shall be considered in the order in which they are received by the Deputy Director Democratic & Corporate Governance. Each nomination shall be put to the vote separately. Where a nomination receives a simple majority of the members present and voting, the nominee shall be appointed and no further nominations shall be considered. If a nomination is not approved, the next nomination shall be put to the vote until an appointment is made."

Council tax debate

4.19 SO 28(d) states that: *"The Chair of the Resources and Public Realm Scrutiny Committee shall be allowed up to 10 minutes to present the findings of the committee. A procedural motion shall address the right to speak of the Group Leaders and the Lead Member for Resources including time limits. There will then be [a] general debate. Provision shall also be made in the procedural* *motion for the Leader of the Council to have the right to make closing remarks with a time limit specified. Following which a vote will be taken."*

4.20 It is recommended that the Council Tax Setting debate rules be codified in standing orders in the interests of transparency, consistency and certainty. It is proposed therefore that the above be replaced with the following*:*

"The debate on the budget and council tax proposals shall proceed as follows:

(i) *the Leader of the Council may move the report and speak for up to 15 minutes;*

(ii) *the Deputy Leader and Cabinet Member for Finance & Resources may speak for up to 10 minutes;*

(iii) *the Leader of the Principal Opposition Group may respond to the report and, where applicable, move an amendment or alternative budget proposals and speak for up to 5 minutes;*

(iv) *the Leader of each other political group may respond to the report and, where applicable, move an amendment or alternative budget proposals and speak for up to 5 minutes;*

(v) *the Chair of the Budget Scrutiny Task Group may speak for up to 5 minutes;*

(vi) *there shall then be a general debate during which the rules in standing order 42 shall apply; and*

(vii) *at the conclusion of the debate the Leader of the Council shall have a right of reply and may speak for up to 5 minutes before the vote is taken. Amendments or alternative budget proposals will be taken en bloc in the order set out in (ii) and (iii) of this paragraph before a final vote on the substantive budget proposals."*

Remuneration of the Independent Chair of Audit and Standards Advisory Committee

Summary

4.21 It is proposed that the Members' Allowance Scheme (in Part 6 of the Constitution) be amended so that the remuneration payable to the Independent Chair of the Audit and Standards Advisory Committee be increased from £1,561pa to £5,332pa.

4.22 The proposed allowance aligns the remuneration of the Independent Chair with the existing Special Responsibility Allowance (SRA) paid to the Chair of the Audit and Standards Committee, recognising the strategic importance, responsibility, independence and time commitment associated with leading the Council's principal governance, audit, risk and standards forum.

4.23 The current Independent Chair has indicated an intention to step down following the December Committee meeting, following a successful period in office, creating the need to recruit a successor.

4.24 If approved, the increased allowance will take effect when a new Independent Chair is appointed.

Background

4.25 The council has operated a distinctive governance model for a number of years which includes the appointment of an Independent Chair to lead the Audit and Standards Advisory Committee.

4.26 This approach goes beyond minimum statutory requirements and reflects the council's commitment to strong governance, independent assurance and good decision-making.

4.27 The Committee plays a key role within the council's governance framework, providing independent scrutiny and challenge in relation to:

- Audit activity and assurance
- Risk management
- Internal control
- Financial governance
- Corporate governance arrangements
- Standards and ethical conduct

4.28 The Constitution describes the Audit and Standards Advisory Committee as the body responsible for considering and advising on governance matters relating to audit activity, the council's regulatory framework and members' standards of conduct. The Committee also includes independent co-opted members, reflecting the council's long-standing commitment to independent oversight. The Constitution specifically provides for the appointment of up to five independent voting co-opted members to the Committee.

4.29 The council's arrangements are therefore more extensive than those found in many authorities and represent an established commitment to governance best practice.

Importance of Independent Leadership of Audit Committees

4.30 Over recent years there has been increasing national focus on the effectiveness of local authority audit committees following a series of high-profile governance and financial failures across the sector.

4.31 CIPFA identifies audit committees as a key component of an authority's governance framework, providing an independent and high-level focus on the adequacy of governance, risk management and control arrangements. Audit committees provide assurance to those charged with governance and help strengthen public confidence in an authority's governance arrangements.

4.32 The CIPFA Position Statement and accompanying Practical Guidance emphasise the value of independent voices within audit committees and recommend the inclusion of independent members to strengthen expertise, objectivity and challenge. Independent members help:

- Reinforce independence and objectivity.
- Provide continuity outside electoral and political cycles.
- Bring specialist governance, audit and financial expertise.
- Promote a non-political focus on governance, risk and control matters.
- Strengthen challenge and oversight of financial management and assurance arrangements.

4.33 These principles are also consistent with the recommendations arising from the Redmond Review and the subsequent strengthening of audit committee expectations across local government. Government has encouraged authorities to align their arrangements with CIPFA's guidance as sector best practice.

4.34 Whilst CIPFA's guidance specifically focuses on independent members, the rationale applies even more strongly to an independent chairing arrangement. An independent chair can provide:

- Visible independence from party political interests.
- Enhanced public confidence in governance arrangements.
- Objective leadership of discussions.
- Constructive challenge to officers, auditors and members alike.
- Stability and continuity over a number of municipal cycles.

4.35 In an environment of increasing financial complexity, heightened regulatory scrutiny and growing governance expectations, the role of an Independent Chair has become increasingly important.

Brent's Current Arrangements and Successes

4.36 The council has benefited significantly from the leadership and expertise provided by its current Independent Chair over a number of years.

4.37 During this period the Committee has helped the council navigate:

- Significant financial pressures affecting the local government sector.
- External audit delays and national issues affecting local audit.
- Implementation of the CIPFA Financial Management Code.
- Ongoing governance and risk management developments.
- Standards and member conduct matters.
- Increasing scrutiny of local authority financial resilience.

4.38 The Committee's annual reporting to Full Council has consistently highlighted the importance of effective governance, risk management and financial oversight in supporting organisational resilience and long-term sustainability.

4.39 The effectiveness of the existing arrangements has been widely recognised internally and has contributed positively to the Council's overall governance framework.

4.40 The current Independent Chair has indicated an intention to step down following the December Committee meeting, following a successful period in office, creating the need to recruit a successor.

4.41 This presents an opportunity to review the remuneration attached to the role to ensure it remains attractive and proportionate to the responsibilities involved.

Future Importance of the Role

4.42 Looking ahead, the Council faces a range of significant challenges including:

- Continued pressure on local government finances.
- Greater expectations around financial resilience and sustainability.
- Evolving audit and assurance requirements.
- Increased public scrutiny of governance arrangements.
- Rising expectations regarding standards and ethical leadership.

4.43 In this context it is important that the council continues to benefit from strong, independent leadership of its Audit and Standards Advisory Committee.

4.44 Maintaining an independent chairing arrangement helps ensure the Committee can continue to operate in a balanced and non-political manner while providing robust support and challenge to both officers and members.

4.45 An effective Independent Chair can also assist the Council in maintaining credibility with:

- External auditors.
- Regulators and inspectorates.
- Residents and stakeholders.
- Members across all political groups.

4.46 The role therefore represents an important investment in good governance rather than simply a committee appointment.

Benchmarking and Market Considerations

4.47 The market for suitably qualified independent audit, governance and assurance professionals is becoming increasingly competitive. Whilst the council's decision to appoint an Independent Chair remains ahead of current practice in many authorities, the direction of travel across local government is towards greater independent oversight of audit and governance arrangements. This is expected to increase demand for individuals with significant expertise in governance, audit, finance, risk management and regulatory assurance.

4.48 Remuneration arrangements vary considerably across the sector, reflecting differences in role scope and responsibility. Recent examples include Hillingdon Council, which has advertised an Independent Chair of its Audit, Finance and Performance Committee at £24,318 per annum, and Croydon Council, which pays £8,200 per annum for Chair of the Audit and Governance Committee. These examples demonstrate the increasing value being placed on independent governance roles and the need for councils to remain competitive when seeking to attract suitably experienced candidates.

4.49 Against this backdrop, the proposed allowance of £5,332 represents a proportionate and balanced approach. It:

- Reflects the significance of the role and its responsibilities.
- Recognises the level of professional expertise required.
- Supports the recruitment and retention of appropriately qualified individuals.
- Remains modest when compared with remuneration levels being offered elsewhere in the sector.

4.50 Importantly, the proposal does not create a new remuneration benchmark within the council. Rather, it aligns the Independent Chair allowance with the SRA already paid to the Chair of the Audit and Standards Committee, providing greater consistency between the two roles while recognising the value of independent challenge and oversight.

5.0 Stakeholder and ward member consultation and engagement

5.1 The proposed changes have been considered by the Constitution Oversight Group.

6.0 Financial Considerations

6.1 The financial issues are addressed in the body of the report. The proposed change to the Members' Allowance Scheme remains within the budget set.

7.0 Legal Considerations

7.1 The legal issues are addressed in the body of the report.

8.0 Equity, Diversity & Inclusion (EDI) Considerations

8.1 Under section 149 of the Equality Act 2010, the council has a duty when exercising its functions to have "due regard" to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. This is the public sector equality duty. The protected characteristics are age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.2 "Due regard" is the regard that is appropriate in all the circumstances. The weight to be attached to the effect is a matter for the council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged. Depending on the circumstances, regard should be had to the following:

- the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision;

- the need to remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;

- the need to take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes taking account of disabled persons' disabilities. There can be a positive duty to take action to help a disabled person. What matters is how they are affected, whatever proportion of the relevant group of people they might be;

- the need to encourage persons who share a protected characteristic to participate in public life (or in any other activity in which participation by such persons is disproportionately low); and

- the need to tackle prejudice and promote understanding.

8.3 No equalities implications arise directly from this report.

9.0 Climate Change and Environmental Considerations

9.1 None

10.0 Human Resources/Property Considerations (if appropriate)

10.1 None

11.0 Communication Considerations

11.1 None

<u>Report sign off:</u>

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