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- attend meetings of the Executive or its committees when Key Decisions are being made, or discussed with officers present, except where exempt or confidential information is being discussed;
- see reports and background papers, and any record of decisions made by the Council and the Executive;
- complain to the Council about its service provision;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

## **12. Rules of Procedure**

The Council has adopted rules of procedure called Standing Orders which give effect to the general principles set out in the Articles and govern the conduct of Council business. These are set out in Part 3 of this Constitution. The Standing Orders cover the rules of debate and procedure for the conduct of meetings of Full Council and its various committees. There are also provisions relating to the Leader the Executive, the Overview and Scrutiny Committees, the Standards Committee and ~~its sub-committees~~ and the Audit Committee. There are separate Standing Orders relating to Staff and Contracts.

The Council has also adopted Financial Regulations which govern financial management and control within the Council. These are contained in Part 6 of this Constitution.

## **13. Responsibility for Functions**

The functions of the Council are generally divided between Full Council and its committees and the Leader and the Executive and its committees. This is either as a matter of law or where there is a choice, as set out in this Constitution. Officers may also carry out certain functions of the Council under powers delegated to them by Full Council or the Leader or the Executive. Part 4 of this Constitution sets out in detail the division of functions between the Leader, the Executive and the Council and the scheme of delegation to officers and committees and sub-committees.

## **14. Access to Council Meetings and Documents**

The Council has adopted a set of rules called the Access to Information Rules which set out the Council's procedures for ensuring transparent decision making and a protocol which gives some further information and/or guidance about the type of information that will be given to members of the Council. These include the following rules relating to public access to Council meetings and documents:

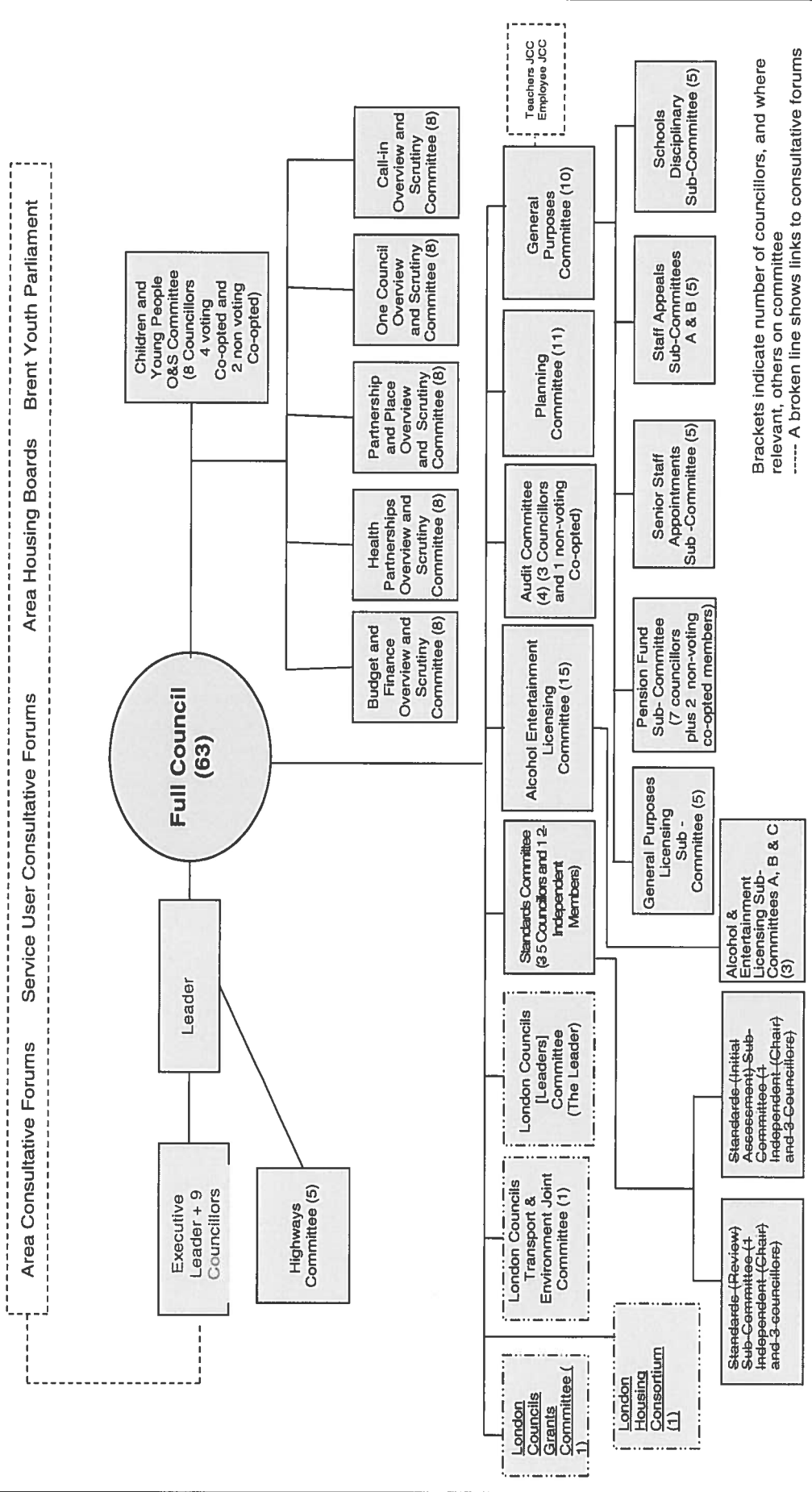
- (a) Citizens can attend meetings of the Council or its committees except where exempt or confidential information is being discussed.

- The **Children and Young People Overview and Scrutiny Committee** is a committee established pursuant to section 21 of the Local Government Act 2000 and consists of 8 Councillors, not being members of the Executive, elected by the Full Council, 4 voting education co-opted members and 2 non-voting education co-opted members. The Councillor membership of the Committee reflects the political balance of the Council. The Committee performs the Overview and Scrutiny role in relation to the matters within its terms of reference.
- A **Code of Conduct or Code of Practice** is a document forming part of the Council's Constitution which guides and regulates the behaviour of various groups and individuals. There are three such codes forming part of the Constitution, namely the Brent Members' Code of Conduct, the Planning Code of Practice and the Licensing Code of Practice.
- A **Committee** is a group of members (including co-opted members) chosen or elected to perform a specific function or purpose. The Authority has various types of committees which are defined separately. There are both committees and sub-committees of the Council and there is a Highways Committee of the Executive. The terms of reference of the committees and sub-committees are set out in Parts 4 and 5 of this Constitution. There are also a number of joint committees.
- **Confidential Information** is defined in section 100A(3) of the Local Government Act 1972 as:
  - (a) Information furnished to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
  - (b) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;
- The **Constitution** is a document adopted by Brent Council which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in Standing Orders and in separate rules and protocols, also forming part of the Constitution.
- A **Co-opted Member** means a person, not being an Independent Member as defined below, who is a member of any committee or sub-committee of the Council but is not a councillor or officer of the Council. Co-opted members generally do not have voting rights on committees, although statute permits certain co-opted members to vote, notably parent governor representatives and church representatives. There are 4 education co-opted members with voting rights on the Children and Families Overview and Scrutiny Committee. There are a further 2 education co-opted members on that committee without voting rights. There are 2 non-voting co-opted members on the Pension Fund Sub-Committee, ~~and one non voting co-opted member on the Audit Committee~~ and one non voting co-opted member on the Standards Committee. The voting education co-opted members may only vote on education matters.
- **Corporate Directors** are directors of corporate units within the Council. There are Corporate Directors of: Housing and Community Care; Regeneration and

- **Portfolio** refers to the key responsibilities or roles allocated to an Executive Member by the Leader.
- **Proper Officer** has a statutory definition in section 270(3) of the Local Government Act 1972 and means, in relation to any purpose, the officer appointed for that purpose by the Authority or for that area, as the case may be. A non-exclusive list of the Proper Officers can be found in Table 5 of Part 4 of this Constitution.
- A **Protocol** is a document forming part of the Constitution which sets out a guide to the way certain individuals and groups interact with each other. They are not rules but they do give guidance on how things should operate.
- The **Section 151 Officer** is the officer appointed in accordance with section 151 of the Local Government Act 1972 and who has responsibility for the administration of the financial affairs of the authority. This position is also known as the Chief Finance Officer and in Brent the position is held by the Council's Director of Finance and Corporate Services.
- The Council has four **Service Areas**. These are Children and Families, Housing and Community Care, Environment and Neighbourhood Services and Regeneration and Major Projects.
- **Service Area Directors** are those officers who are directors of the Council's service areas.
- **Service Unit Directors or Managers** are those officers who are directors or managers of the various service units which make up the service areas.
- ~~The **Standards Committee** is a committee established pursuant to section 53 of the Local Government Act 2000. It consists of three five Councillors (only 1 of whom may be a member of the Executive), other than the Leader, elected to the Standards Committee by the Full Council and at least two one Independent Members. The Committee considers matters relating to Members' Code of Conduct including allegations of breaches of the Code. The Standards Committee and its sub-committees are chaired by Independent Members. The mandatory responsibilities of the Standards Committee are set out in the Local Government Act 2000 as:~~
  - ~~(a) Promoting and maintaining high standards of conduct by the members and co-opted members of the Authority; and~~
  - ~~(b) Assisting members and co-opted members of the Authority to observe the Authority's code of conduct.~~
  - ~~(c) Considering any complaint that a member has breached the Council's Code of Conduct.~~

The full terms of reference for the Brent Standards Committee and its sub-committees are set out in Part 5 of this Constitution.
- **Standing Orders** are rules which the Council has adopted to regulate its business and proceedings. There are also separate Standing Orders relating to the appointment and dismissal of staff and the process leading up to and the making of contracts. These are set out in Part 3 of this Constitution.

# LONDON BOROUGH OF BRENT DECISION MAKING STRUCTURE CHART



# **PART 2**

## **ARTICLES**

- Article 1 The Constitution**
- Article 2 Members of the Council**
- Article 3 Citizens and the Council**
- Article 4 Full Council**
- Article 5 The Mayor**
- Article 6 Overview and Scrutiny Committees**
- Article 7 The Executive**
- Article 8 Regulatory and other Committees**
- Article 9 The Standards Committee ~~and its Sub-Committees~~**
- Article 10 Consultative Forums**
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- Article 15 Finance, Contracts and Legal Matters**

## Article 9 – The Standards Committee & its Sub-Committees

### Standards Committee

9.1 The Council has established a Standards Committee.

~~9.2 The Council has also established two sub-committees of the Standards Committee:~~

- ~~• The Standards (Initial Assessment) Sub-Committee; and~~
- ~~• The Standards (Review) Sub-Committee.~~

### Membership

~~9.32~~ The members of the Standards Committee are:

- ~~• three five councillors (but not more than 1 member of the Executive), other than the Leader; and~~
- ~~• one non-voting co-opted member, a minimum of two independent members as defined in the Standards Committee (England) Regulations 2008.~~

~~9.4 The members of the sub-committees must be members of the Standards Committee and each sub-committee shall consist of:~~

~~three councillors (but not more than 1 member of the Executive); and~~

~~one Independent Member.~~

~~9.5 Independent Members will be entitled to vote at meetings of the Standards Committee and at meetings of the sub-committees.~~

### Chairing the Committee & Sub-Committees

~~9.63 The Chair of the Committee An Independent Member will be elected as Chair of the Committee. A member of the Executive may not chair the Committee.~~

~~9.7 An Independent Member will be appointed to chair each sub-committee.~~

### Quorum

~~9.8 The quorum for the Committee and the sub-committees is 3 and this must include two members and an Independent Member~~

### Role and Function

~~9.94 In summary, the function of the Standards Committee and its sub-committees is to promote and maintain high standards of conduct by councillors and co-opted members and hear allegations of misconduct against members.~~

~~9.105 The terms of reference of the Standards Committee and its sub-committees are set out in Part 5 of this Constitution.~~



## Head of Paid Service, Monitoring Officer and Chief Finance Officer

13.3 The Council has made the following designations:

Post	Designation
Chief Executive	Head of Paid Service
Director of Legal and Procurement	Monitoring Officer
Director of Finance and Corporate Services	Chief Finance Officer
Director of Children and Families	Director of Children's Services
Director of Housing and Community Care	Director of Adult Social Services

## Structure

13.4 The Chief Executive determines and publicises a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

## Functions of the Monitoring Officer

### 13.5 (a) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by councillors, officers and the public.

### (b) Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council or to the Executive in relation to an executive function, if he or she considers that any proposal, decision or omission has, may or would give rise to unlawfulness or to any maladministration which has been investigated by the Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

### (c) Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

### ~~(d) Receiving reports~~

~~The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.~~

### (d) Conducting investigations

The Monitoring Officer will conduct investigations into matters referred to him or her by the Standards Committee ~~or by an ethical standards officers~~

**COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL****52. Standing Orders to apply to Council Committees and Sub-Committees**

- (a) The Standing Orders shall, where appropriate, apply with suitable modifications to meetings of committees and sub-committees of the Council except to the extent specified herein or to the extent that they are not necessary or relevant or would conflict with any other requirement in the Constitution in relation to that meeting including any code of conduct or code of practice.
- (b) In the event that there is any disagreement as to whether or not any part of these Standing Orders should or should not apply to a meeting of a committee or sub-committee whether with or without suitable modification the question shall be determined by the Chair on the advice from the Director of Legal and Procurement or the Democratic Services Manager or their representatives.

**53. Appointments to and chairs of Council Committees and Sub-Committees**

- (a) Full Council may appoint such Council committees as it is required or permitted to appoint, such committees to be set out in Part 5 of the Constitution, together with their terms of reference and the number of members to be appointed.
- (b) Full Council shall appoint a Chair for each of the Council Committees and if it so wishes a Vice Chair.
- (c) The Chair of the One Council Overview and Scrutiny Committee, and the Budget and Finance Overview and Scrutiny Committee shall be members from the opposition.
- (d) The Chair of the Call-in Overview and Scrutiny Committee shall be the same as the Chair of the One Council Overview and Scrutiny Committee.
- (e) The vice chairs of the overview and scrutiny committees shall be from a different political group as the chair.
- (f) Full Council may at any time dissolve a committee or remove any of its members or change the size of its membership.
- (g) Other than in the case of the Alcohol & Entertainment Licensing sub-committees ~~and the Standards Committee sub-committees~~, Full Council shall determine the extent to which any functions may be exercised by any sub-committee and the terms of reference will be set out in Part 5 of the Constitution. In the case of the Alcohol and Entertainment Licensing sub-committees the Alcohol & Entertainment Licensing Committee will determine the extent to which any functions may be exercised by them and will agree their terms of reference ~~and in the case of the Standards Committee sub-committees the Standards Committee will determine the extent to which any functions may be exercised by them and will agree their terms of reference.~~
- (h) Appointment of the Council's sub-committees and agreeing the number of members to be appointed shall be by the parent committee and the Chair and (if considered necessary) Vice Chair of the sub-committees shall be appointed by the parent committee.
- (i) No councillor may be appointed to any committee or sub-committee so as to hold office later than the next Annual Meeting or the meeting of Full Council which meets after the next Annual meeting to agree appointments to committees.

- (j) Co-opted members may be appointed to committees and sub-committees in accordance with Standing Order 54 and the rules for membership for committees and sub-committees contained in Part 5 of the Constitution.

#### 54. Independent and Co-opted Members

(a) ~~The Council shall appoint one co-opted non-voting Member and an alternate at least 2 Independent Members to its Standards Committee ~~one of whom shall be appointed as the Chair. The Chairs of the sub-committees of the Standards Committee shall also be Independent Members.~~~~

(b) The Independent Members shall hold office for up to two years or until the date of the Annual Meeting nearest to the expiry of that two year period (or until the date of the meeting of Full Council that takes place after that Annual meeting to agree appointments to committees). Such appointments shall be subject to confirmation by Full Council at each Annual Meeting that follows the appointment (or at the meeting of Full Council that takes place after the Annual Meeting to agree appointments to committees as the case may be).

(c) The Membership of the Children and Young People Overview and Scrutiny Committee and any other Council committee or sub-committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the Executive shall include as Voting Co-opted Members, 2 parent governor representatives, 1 representative nominated by the Diocesan Board of Education for any Church of England Diocese which falls within the Council's area and 1 representative nominated by the bishop of any Roman Catholic Diocese which falls within the Council's area and such representatives shall be appointed by the appropriate appointing body.

(d) The term of office of the parent governor Voting Co-optees appointed under paragraph (c) of this Standing Order shall be 3 years (or less if otherwise so determined by Full Council).

(e) The Membership of the Children and Young People Overview and Scrutiny Committee and any other Council Committee or sub-committee whose terms of reference include consideration of matters relating wholly or partly to any education functions which are the responsibility of the Executive may include 2 Non Voting Co-opted Members who represent the governing bodies of schools which are faith schools not covered in paragraph (c) above and such representatives shall be appointed by the appropriate appointing body.

(f) A Co-opted Member appointed under this Standing Order shall be entitled to receive all papers and take part in the entire discussion that takes place at a meeting of the relevant committee or sub-committee and Voting Co-opted Members shall be entitled to vote on any question which falls to be decided at the meeting and which relates to any education functions which are the responsibility of the Executive as determined by the Director of Legal and Procurement or his or her representative.

(g) ~~No Independent Member or Voting Co-opted Member appointed by Full Council shall be entitled to act as an Independent or Co-opted Member until they have delivered to the Monitoring Officer a signed undertaking agreeing to be bound by the Brent Members Code of Conduct and shall register any interest which by that Code they are required to so register in the Register of Member Interests.~~

(g) No Non-voting Co-opted Member shall be entitled to act as a Non Voting Co-opted Member until they have delivered to the Monitoring Officer a

signed undertaking in a form notified to them by the Director of Legal and Procurement.

#### **55. Appointment of and Changes to Alternate Members**

- (a) The Council may appoint a first alternate member to attend, speak and vote in the absence of each member of a committee and a second alternate member to attend, speak and vote in the absence of each member and his or her first alternate, provided in either case that the alternate member is not already a member of the committee.
- (b) The Council may appoint non-voting co-opted Members ~~Independent Members~~ as first and second alternates of the Standards Committee.
- (c) A parent committee may appoint alternate members to its sub-committees in the same manner as is described in (a) and (b) above.
- (d) If, apart from this part of the Standing Order, a person would otherwise be entitled to act at the same time as an alternate for more than one primary member of the committee that person shall be the alternate for the member whose surname has alphabetical priority.
- (e) Any member acting as an alternate shall notify the meeting as soon as he or she arrives, and once the meeting has received such notification, that member shall be duly appointed for the remainder of the meeting (which, for the avoidance of doubt, includes a meeting adjourned to continue on a subsequent day) to the exclusion of the member for whom he or she is alternating.

#### **56. Special Meetings of Committees or Sub-Committees**

The Chair of a committee or sub-committee, or in the absence of the Chair, the Vice Chair may, if necessary, call a meeting of that committee or sub-committee at any time. A meeting of a committee or sub-committee may also be called upon the requisition of a quarter of the whole number of the committee or sub-committee (including any voting co-opted members), delivered in writing to the Democratic Services Manager provided that the number of members so calling the meeting shall not be less than 3. Meetings called under this Standing Order shall be known as a Special Meeting.

#### **57. Adjournment and Cancellation of Meetings of Committees and Sub-Committees**

- (a) The Chair of a committee meeting may specify a time at which the committee shall adjourn for twenty minutes or two times at which the committee shall adjourn for ten minutes save that in the case of the Alcohol and Entertainment Licensing Sub-Committee and the General Purposes Licensing Sub-Committee, the person chairing the meeting may adjourn a hearing for any period, or to a new date that they deem necessary.
- (b) The Chair, or in the absence of the Chair, the Vice Chair may authorise the cancellation of a meeting of a committee or sub-committee on the grounds of lack of business. He/she may postpone and rearrange the date and/or time of a meeting of a committee or sub-committee after consultation with the Democratic Services Manager.

#### **58. Chairing Meetings of Committees and Sub-Committees**

- (a) The Chair shall preside at meetings of committees and sub-committees. If the Chair is not present for a meeting then the Vice Chair shall chair it but if the Chair arrives then he or she shall take over chairing the meeting at a convenient moment. If neither the Chair nor Vice Chair are present at a meeting then the Chair for that meeting shall be elected by the persons present but if the Chair or in his or her absence the Vice Chair arrives then he or she shall take over chairing the meeting at a convenient moment.
- (b) For the purpose of this Standing Order the word "present" means physically present in the room in which the meeting is to take place.
- (c) The Chairs of the overview and scrutiny committees shall seek to ensure that the Standing Orders and any other rules or protocols forming part of the Constitution are adhered to.

#### **59. Quorum of Committees and Sub-Committees**

No business shall be transacted at a meeting of a committee or sub-committee unless at least one quarter of the whole number of its voting members, or three of its voting members, whichever is greater, are present ("the quorum") save that in respect of the Standards Committee and its sub-committees, the quorum shall include one of the independent members of the committee and one of the elected members of the committee and in respect of the Alcohol & Entertainment Licensing Sub-Committees and the Audit Committee the quorum shall be two. After a meeting has commenced if at any time it becomes inquorate no further business shall be transacted and the meeting shall stand adjourned.

#### **60. Speaking Rights of Members of the Public.**

- (a) This Standing Order shall not apply to meetings of the Planning Committee or the Alcohol & Entertainment Licensing Sub-Committees.
- (b) Except as set out in this Standing Order or Standing Orders 68 (e)(ii) (Petitions) and 69 (Deputations) no member of the public shall be permitted to speak at a meeting of a committee or sub-committee of the Council unless invited by the Chair of the meeting to do so who shall specify the period allocated to the member of the public to speak which shall usually be up to 2 minutes except in special circumstances in which case up to 3 minutes shall be permitted.
- (c) Except in the case of a person representing a deputation under Standing Order 69, any member of the public who wishes to address a meeting of a committee or sub-committee concerning an item of business on the agenda for the meeting in question shall give notice to the Democratic Services Manager or his or her representative prior to the commencement of the meeting of their wish to address the committee. Normally such notice shall be given at least 24 hours before the commencement of the meeting and the Democratic Services Manager shall keep a record of the order of receipt of such notices. Where a person indicating s/he wishes to address the committee has not given such a notice the Chair shall decide whether s/he shall be permitted to speak.
- (d) Where more than one person wishes to speak on the same item of business under paragraph (b) the Chair shall have the discretion to limit the number of speakers and in so doing will take into account the order in which notices of a wish to speak were received by the Democratic Services Manager.
- (e) Where a report from or concerning a relevant Consultative Forum is before any of the Overview and Scrutiny Committees and the Chair or any other representative

- (c) Members may be excluded from a meeting of a committee or sub-committee of which they are not a member if the meeting has excluded the press and public during consideration of any confidential or any exempt information listed in categories 1, 2, 4, 5 and 7 – 10 of the Table set out in the Access to Information Rules or category 3 of that Table where it relates to any terms proposed by or to the authority in the Course of negotiations for a contract.

### **63. Requirement to Attend Entire Meeting**

- (a) No member shall be entitled to take part in or vote at a meeting of the Senior Staff Appointments Sub-Committee, the Schools Disciplinary Sub-Committee or the Staff Appeals Sub-Committee unless the member is present for the entire meeting.
- (b) No member shall be entitled to vote on any item being considered by the Planning Committee, the Licensing Sub-Committee and the Alcohol and Entertainment Licensing Sub-Committees unless the member is present for the entire discussion of that item.
- (c) No member of the Standards Committee ~~or one of its sub-committees~~ shall be entitled to take part in or vote on any item relating to the conduct of individual members of the Council unless the member is present for the entire discussion of that item.

### **64. Any Other Urgent Business as an Agenda Item**

At all meetings of Council committees and sub-committees that are not special meetings there shall be an item on the agenda entitled 'Any Other Urgent Business'. Any member of the committee or sub-committee as the case may be who wishes a matter to be raised under this Agenda heading shall give written notice to the Democratic Services Manager or his or her representative prior to the commencement of the meeting concerned specifying the nature of the business they would like to raise under this Standing Order. The committee or sub-committee shall only consider such business in respect of which notice has been given in accordance with this Standing Order and which the Chair has certified as urgent under S100B of the Local Government Act 1972.

### **65. Voting in Committees and Sub-Committees and recording dissent**

- (a) In the case of Planning Committee, if members are minded to grant planning permission contrary to the recommendation of officers then the matter shall be deferred until the next meeting of the committee and no decision shall be taken on that matter until that next meeting.
- (b) In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.
- (c) Voting at a meeting of a committee or sub-committee shall be by show of hands.
- (d) On the requisition of one member of the committee or sub-committee made before any vote is taken by show of hands and supported by not less than half of the members of the committee or sub-committee then present, voting shall be recorded so as to indicate whether each member present has voted for the motion, against it or abstained.

- (e) Where immediately after a vote is taken any member of the committee or sub-committee so requires, there shall be recorded in the minutes whether that person voted for the question or against the question or abstained.

**66. Time and duration of meetings of Committees and Sub-Committees**

- (a) Subject to paragraph (b) below, the time specified on the summons for commencement of a committee or sub-committee meeting shall not be later than 10.15pm unless the Chair is satisfied on reasonable grounds that:-
- (i) each item of business to be transacted at that committee or sub-committee meeting should be dealt with as a matter of exceptional urgency; and
  - (ii) the meeting cannot be called to commence at an earlier hour without undue inconvenience.
- (b) The summons for a committee or sub committee meeting may specify that the meeting will commence at the time specified on the summons or upon the rising of another meeting of the Council, committee or sub-committee, if later.
- (c) Subject to paragraphs (d) and (e) below, transaction of business at every committee or sub-committee meeting shall end no later than 10.30pm provided that if at 10.30pm there is business not yet dealt with which the committee or sub-committee considers would be more conveniently dealt with on that day rather than on a subsequent day, the meeting may continue until not later than 11.00pm in accordance with the following procedure (which shall be known as “the guillotine procedure”):-
- (i) the meeting shall identify those items of business to be transacted;
  - (ii) unless the meeting decides otherwise, the items of business so identified will be taken in the order determined by the last procedural resolution establishing the order of business, or, in the absence of such a procedural resolution, in the order set out in the agenda accompanying the summons for the meeting;
  - (iii) members will be permitted to ask questions of officers but will not be allowed to make speeches unless the meeting decides otherwise.
- (d) The Planning Committee, the Alcohol & Entertainment Licensing Sub-Committees, the General Purposes Licensing Sub Committee and the Standards Committee ~~and its sub-committees~~ may by majority vote taken no later than 10.30pm, decide to:-
- (i) fix such time as they may choose for the transaction of business to end provided that no business shall be transacted later than midnight; and/or
  - (ii) disapply the guillotine procedure entirely or fix such later time as they may choose for that procedure to commence.
- (e) Paragraph (c) above shall not apply to:- (i) meetings of the Senior Staff Appointment Sub-Committee, the Staff Appeals Sub-Committees, or Schools Disciplinary Sub-Committee; and
- (i) any meeting of a committee called to determine the size and political balance or membership of one or more of its sub-committees or to remove or appoint the Chair or Vice Chair of such a sub-committee.

- (ii) ask for an investigation into how the petition was dealt with: or
  - (iii) make recommendations to the Executive.
- (k) This Standing Order does not apply to the Alcohol and Entertainment Licensing Sub-Committees. Any petitions received in respect of any alcohol and entertainment license shall be dealt with as set out in the procedure for hearings relating to the Alcohol and Entertainment Licensing Sub-Committees.

**69. Deputations**

- (a) With the exception of the Standards Committee ~~and its sub-committees~~, the General Purposes Licensing Sub-Committee, the Alcohol & Entertainment Licensing Sub-Committees and the Planning Committee the first 20 minutes of every Council committee or sub-committee meeting (or such shorter time as is required) shall be allocated to receive deputations under this rule which shall be permitted where the following are met:
- (i) the committee or sub-committee has voted by a simple majority to receive such deputation;
  - (ii) the subject of the deputation is one which is on the agenda of the meeting concerned; and
  - (iii) notice of the deputation has been given to the Democratic Services Manager or his or her representative at least 24 hours before the start of the relevant meeting.
- (b) In respect of each deputation received, one person representing the deputation will be entitled to address the meeting for up to 5 minutes.



- 1.7 Table 3 sets out the functions which are not to be the sole responsibility of the Executive. So far as those functions are to be executive functions, the Leader has agreed to arrange for these functions to be carried out by the Executive..The Table describes the plans, policies and strategies, which form the Authority's Policy Framework and specifies what role the Executive will play in relation to those plans, policies and strategies. Essentially, the Executive will develop and consult on the plans, policies and strategies listed and will then refer them to Full Council for consideration and approval. If approved, the Executive will then be responsible for implementing them.
- 1.8 Table 4 sets out the functions to be exercised by the Highways Committee which is a committee of the Executive appointed by the Leader.
- 1.9 Part 5 of the Constitution describes the membership and terms of reference for the Council committees and sub-committees. These are:-
- Standards Committee
  - ~~Standards (Initial Assessment) Sub-Committee~~
  - ~~Standards(Review) Sub-Committee~~
  - Audit Committee
  - One Council Overview and Scrutiny Committee
  - Partnerships and Place Overview and Scrutiny Committee
  - Health Partnerships Overview and Scrutiny Committee
  - Budget and Finance Overview and Scrutiny Committee
  - Children & Young People Overview and Scrutiny Committee
  - Call-in Overview and Scrutiny Committee
  - General Purposes Committee
  - Pension Fund Sub-Committee
  - Senior Staff Appointments Sub-Committee
  - Staff Appeals Sub-Committees A and B
  - Schools Disciplinary Sub-Committee
  - Planning Committee
  - General Purposes Licensing Sub-Committee
  - Alcohol and Entertainment Licensing Committee
  - Alcohol and Entertainment Licensing Sub-Committees A, B and C
- 1.10 In addition to the powers described in the Tables as being specifically delegated to officers, any other Council and Executive functions are delegated to officers in accordance with paragraph 2, 'Powers Delegated to Officers'.
- 1.11 Table 5 sets out the 'proper officers' designated for the purposes of certain statutory provisions. Any reference in any Act or any part of this Constitution to 'the proper officer' will be a reference to the person so specified in the Table but if none is specified the Chief Executive or a person nominated by him or her for the purpose. Any other function not otherwise specified in the Tables or elsewhere in this Constitution is the responsibility of the Executive, unless specifically precluded by law from so being, in which case it shall be the responsibility of the General Purposes Committee (unless specifically reserved to Full Council in which case it shall be exercised by Full Council).
- 1.12 All functions shall be exercised in accordance with this Constitution including, for the avoidance of doubt, the Standing Orders and Financial Regulations and this Part 4 and Part 5.

## **Introduction**

### **Standards Committee**

- ~~Standards (Initial Assessment) Sub-Committee~~
- ~~Standards (Review) Sub-Committee~~

### **Audit Committee**

### **Overview and Scrutiny Committees**

- *One Council Overview and Scrutiny*
- *Partnership and Place Overview and Scrutiny Committee*
- *Health Partnerships Overview and Scrutiny Committee*
- *Budget and Finance Scrutiny Panel*
- *Children and Young People Overview and Scrutiny Committee*
- *Call-in Overview and Scrutiny Committee*

### **General Purposes Committee**

- *Pension Fund Sub-Committee*
- *Senior Staff Appointments Sub-Committee*
- *Staff Appeals Sub-Committees A and B*
- *Schools Disciplinary Sub-Committee*
- *General Purposes Licensing Sub-Committee*

### **Planning Committee**

### **Alcohol & Entertainment Licensing Committee**

- *Alcohol & Entertainment Licensing Sub-Committees A, B & C*

### **Joint Committees**

# 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:
  - Standards Committee
  - Audit Committee
  - General Purposes Committee
  - Planning Committee
  - Alcohol and Entertainment Licensing Committee
  - One Council Overview and Scrutiny
  - Partnership and Place Overview and Scrutiny Committee
  - Health Partnerships Overview and Scrutiny Committee
  - Budget and Finance Scrutiny Panel
  - Children and Young People Overview and Scrutiny Committee
  - Call-in Overview and Scrutiny Committee

## Council Sub-Committees

- ~~3. The Standards Committee has appointed the following sub-committees:~~

- ~~• Standards (Initial Assessment) Sub-Committee~~
- ~~• Standards (Review) Sub-Committee~~

- ~~4.3. The General Purposes Committee has appointed the following sub-committees:~~

- ~~• Senior Staff Appointments Sub-Committee~~
- ~~• Schools Disciplinary Sub-Committee~~
- ~~• Staff Appeals Sub-Committee A and B~~
- ~~• General Purposes Licensing Sub Committee~~
- ~~• Pension Fund Sub-Committee~~

- ~~5.4. The Alcohol and Entertainment Licensing Committee has appointed 3 Sub-Committees known as Alcohol and Entertainment Licensing sub-committee A, B or C.~~

## Task Groups

- ~~6.5. The Overview and Scrutiny Committees may, establish task groups.~~

### **Political Balance**

7.6. The rules on political balance will apply to all committees and sub-committees except the ~~Standards Committee and its sub-committees~~ and the Alcohol and Entertainment Licensing Committee and its sub-committees.

### **Terms of Reference and Membership**

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

### **Joint Committees**

9.8. 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.

10.9. The terms of reference and make up of these committees are described below (even though some of the functions are executive functions).

## STANDARDS COMMITTEE

### Membership

- The committee is comprised of 65 members.
- 53 members are elected councillors and one member who is a non voting co opted member(~~one from each of the three largest political groups~~) and 2 are Independent Members, as defined in Section 53 of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.
- The Leader shall not be a member of the committee.
- No more than 1 member of the Executive may be a member of the committee.

### Terms of reference

The committee is responsible for the following functions:-

1. To promote and maintain high standards of conduct by members including any co-opted members.
2. To assist members and co-opted members to observe the Brent Members' Code of Conduct, the Planning Code of Practice, the Licensing Code of Practice and any other code of conduct or practice which is adopted ("the Codes").
3. To monitor the operation, effectiveness of and compliance with the Codes and to recommend adoption or revisions of the Codes to the Council.
- ~~4.~~ 4. To advise members and co-opted members on matters relating to the Codes and on any other matters related to their conduct and treatment of their pecuniary interests.~~personal interests.~~
- ~~4.~~ 5. To provide or arrange training for members and co-opted members on matters relating to the Codes.
- ~~5.4.~~ 6. To receive reports from the Monitoring Officer.
- ~~6.~~ ~~In accordance with the Standards Committee (Further Provisions ) (England) Regulations 2009, to grant dispensations to councillors and co-opted members, in respect of participation in any business which they would otherwise be prohibited from participating in by virtue of any provision in the Brent Members Code of Conduct.~~
- ~~7.~~ ~~To consider applications for political exemption made under section 3 of the Local Government and Housing Act 1989.~~
- ~~8.~~ ~~To appoint sub-committees for the purpose of discharging any of the committee's functions, whether or not to the exclusion of the committee and to set the terms of reference for any sub-committees.~~
- ~~9.~~ 7. To receive allegations referred to it by the Monitoring Officer that a member (including a co-opted member) ~~or Independent Member~~ failed, or may have failed, to comply with the Council's Code of Conduct, ~~and then to decide whether~~

## TERMS OF REFERENCE OF COUNCIL COMMITTEES AND SUB-COMMITTEES

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- ~~a) To refer the complaint to the Monitoring Officer for investigation or for some other action~~
- ~~b) To refer the complaint to the Standards for England; or~~
- ~~e) To take no further action.~~

~~10. To receive applications for a review of a decision by the Standards Committee that no further action should be taken in respect of an allegation that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and to decide whether:~~

- ~~a) To refer the complaint to the Monitoring Officer for investigation or for some other action~~
- ~~b) To refer the complaint to the Standards for England; or~~  
~~To take no further action.~~

8. To decide whether to ask the Monitoring Officer to investigate allegations or a breach of the Code, or to take no further action.

9. To hold hearings into allegations of misconduct against Councillors once they have been investigated, to consider the views of the Independent Person, and to decide whether in the circumstances

- a) There was a breach of the Code of Conduct and if so what action should be taken the appropriate sanction that should be applied is
- b) There was a no breach of the Code of Conduct but that in the circumstances no further action should be taken; or
- c) That there was no breach of the Code of Conduct.

~~11. To receive any reports from a case tribunal or interim case tribunal.~~

• 109. To carry out all other statutory functions, either through the committee or its sub-committees, relating to complaints about members' conduct set out in the Localism Act 2011 and the Code of Conduct Local Government Act 2000

## **STANDARDS (INITIAL ASSESSMENT) SUB-COMMITTEE**

### **Membership**

- ~~The sub-committee is comprised of 4 members~~
- ~~All members and alternates members must be members or alternate members of the Standards Committee~~
- ~~At least one member must be an Independent Member, as defined in section 53 of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.~~
- ~~3 members shall be elected councillors (one from each of the three largest political groups).~~
- ~~No more than 1 member of the Executive may be a member of the sub-committee.~~

### **Terms of Reference**

1. ~~To receive allegations that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and to then decide whether:
  - a) ~~To refer the complaint to the Monitoring Officer for investigation or for some other action~~
  - b) ~~To refer the complaint to the Standards Board for England; or~~
  - c) ~~To take no further action.~~~~
2. ~~To perform any other function included from time to time in section 57A of the Local Government Act 2000.~~

## **STANDARDS (REVIEW) SUB-COMMITTEE**

### **Membership**

- ~~The sub-committee is comprised of 4 members~~
- ~~All members and alternate members must be members or alternate members of the Standards Committee~~
- ~~At least one member must be an Independent Member, as defined in section 53 of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.~~
- ~~3 members shall be elected councillors (one from each of the three largest political groups).~~
- ~~No more than 1 member of the Executive may be a member of the sub-committee.~~

### **Terms of Reference**

1. ~~To receive applications for a review of a decision by the Standards (Initial Assessment) Sub-Committee that no further action should be taken in respect of an allegation that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and to then to decide whether:~~
  - a) ~~To refer the complaint to the Monitoring Officer for investigation or for some other action~~
  - b) ~~To refer the complaint to the Standards Board for England; or~~
  - c) ~~To take no further action.~~
2. ~~To perform any other function included from time to time in section 57B of the Local Government Act 2000.~~



7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

~~Categories 8,9 and 10 apply only to a meeting of the standards committee or a sub-committee of the standards committee convened to consider an allegation of misconduct under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008 or referred under 58(1)(c) the Local Government Act 2000 Act.~~

~~8. Information which is subject to any obligation of confidentiality.~~

~~9. Information which relates in any way to matters concerning national security.~~

- ~~10. Information presented to a standards committee or a sub-committee of the standards committee~~

54. Information falling within any of categories 1-10 is not exempt if it relates to proposed development for which the Council can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

**BRENT COUNCIL CODE OF CONDUCT FOR MEMBERS**

**PART 1**

**Introduction and interpretation**

1. (1) This code applies to **you** as a member of Brent Council.  
(2) It is your responsibility to comply with the provisions of this Code  
(3) In this Code –
- “meeting” means any meeting of –
- (a) Full council;
  - (b) The Executive;
  - (c) Any of the council’s or its Executive’s committees, sub-committees, joint committees or joint sub-committees;
- “member” includes a co-opted member and an appointed member.

**Scope**

2. (1) Subject to sub-sections (2) and (5), you must comply with this Code whenever you –
- (a) Conduct the business of the council (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) Act, claim to act or give the impression you are acting as a representative of the council,
- and references to your official capacity are construed accordingly.
- (2) Subject to sub-sections (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, section 5 also has effect at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-section (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of the council –
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct, or
  - (b) on any other body, you must, when acting for that other body, comply with Brent Council’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject

**PART 2**

**High standards of conduct**

3. You must maintain a high standard of conduct, and comply with the following general conduct principles:

**The General Principles**

**Selflessness** – you should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Integrity** – you should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – you should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – you should be accountable to the public for your actions and the manner in which you carry out your responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

**Openness** – you should be as open as possible about your actions and those of their authority, and should be prepared to give reasons for those actions.

**Honesty** – you should be truthful in your council work and avoid creating situations where your honesty may be called into question.

**Leadership** – you should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

#### **General Obligations**

4. (1) You must treat others with respect.

(2) You must not –

(3) (a) do anything which may cause the council to breach any of the duties under the Equality Act 2010.;

(b) Bully any person;

(c) Intimidate or attempt to intimidate any person who is or is likely to be –

(i) A complainant,

(ii) A witness, or

(iii) Involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with the council's code of conduct; or

(d) Do anything which comprises or is likely to compromise the impartiality of those who work for, or on behalf of, the council.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the council into disrepute.

6. You must not –

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –

(i) you have the consent of a person authorised to give it.

(ii) you are required by law to do so;

- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) The disclosure is –
  - (aa) reasonable in all the circumstances and
  - (bb) in the public interest; and
  - (cc) made in good faith and in compliance with the reasonable requirements of the council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

7. You –

- (a) Must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, and
- (b) Must, when using or authorising the use by others of the resources of the council –
  - (i) Act in accordance with the council's reasonable requirements;
  - (ii) Ensure that such resources are not used improperly for political purposes (including party political purposes)

8. (1) when reaching decisions on any matter you must have regard to any relevant advice provided to you by –

- (a) The council's chief finance officer; or
- (b) The council's Monitoring Officer ,

where that officer is acting pursuant to his or her statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the council.

**PART 3**

**Interests**

**Pecuniary interests and registration**

- 9. (1) For the purposes of this Code, a pecuniary interest is a “disclosable pecuniary interest” in relation to a person (“M”) if it is of a description specified in regulations made by the Secretary of State and either –
  - (a) It is an interest of M's, or
  - (b) It is an interest of –
    - (i) M's spouse or civil partner,
    - (ii) A person with whom M is living as husband and wife, or
    - (iii) A person with whom M is living as it they were civil partners, and M is aware that that other person has the interest.
- (2) Subject to section 11, you must, within 28 days of your election or appointment to office, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the date when the notification is given
- (3) Subject to section 11, you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any pecuniary interest registered under sub section (2), notify the Monitoring Officer of that change or new interest
- (4) The Monitoring Officer will maintain the council's register of interests, and

enter onto that register all interests notified to him/her

### **Disclosure of pecuniary interests**

10. (1) Sub sections (2) and (4) apply to you if you –
- (a) Are present at a meeting of the council or of any committee, sub-committee, joint committee or joint sub-committee, Executive or Executive subcommittee meeting,
  - (b) Have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
  - (c) Are aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the council's register, you must disclose the interest to the meeting, but this is subject to section 11.
- (3) If the interest is not entered in the council's register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) You may not –
- (a) participate, or participate further, in any discussion of the matter at the meeting, or
  - (b) participate in any vote, or further vote, taken on the matter at the meeting,
  - (c) remain in the meeting during the duration of any discussion of the matter but this is subject to section 12.
- (5) Sub sections (6) and (7) apply if –
- (a) a function of the Council may be discharged by a member acting alone,
  - (b) you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by you in the course of discharging that function, and
  - (c) you are aware that the condition in sub section (b) is met.
- (6) If the interest is not entered in the Council's register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that the condition in sub section (5) (b) is met in relation to the matter.
- (7) You must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you).
- (8) Where you give a notification for the purposes of sub sections (3) and (6), the Monitoring Officer will enter the interest notified in the Council's register (whether or not it is a disclosable pecuniary interest).
- (9) You will be excluded from a meeting while any discussion or vote takes place in which, as a result of the operation of sub section (4), you may not participate.
- (10) for the purpose of this section, an interest is "subject to a pending notification" if –
- (a) under this section or section 11, the interest has been notified to the Monitoring Officer, but
  - (b) that interest has not yet been entered in the council's register in consequence of that notification.

**Sensitive interests**

11. (1) Sub sections (2) and (3) apply where –
- (a) You have an interest (whether or not a disclosable pecuniary interest), and
  - (b) The nature of the interest is such that both you, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.
- (2) If the interest is entered in the council's register, copies of the registers that are made available for inspection, and any published version of the register, must not include details of the interest (but may state that you have an interest the details of which are withheld under this subsection).
- (3) If section 10(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

**Dispensations**

12. (1) The Monitoring Officer may, on written request made by you, grant a dispensation relieving you from either or all of the restrictions in section 10(4) in cases described in the dispensation.
- (2) The Monitoring Officer may grant you a dispensation under this section only if, after having had regard to all relevant circumstances, s/he –
- (a) considers that without the dispensation the number of persons prohibited by section 10(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business
  - (b) Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
  - (c) Considers that granting the dispensation is in the interest of persons living in the authority's area
  - (d) considers that granting the dispensation each member of the Executive would be prohibited by section 10(4) from participating in any particular business to be transacted by the Executive, or
  - (e) considers that it is otherwise appropriate to grant a dispensation.
- (3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Section 10(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

**PART 4**  
**Miscellaneous**

**Related documents**

13. The council has adopted other codes and protocols which do not form part of this Code but which deal with specific activities you may be required or wish to carry out in the course of your duties as a councillor. You are required to comply with these and any breach may be regarded as a breach of this Code. The following

codes and protocols are currently in effect:

- (1) Planning Code of Practice
- (2) Licensing Code of Practice
- (3) Local Authority Code of Publicity
- (4) Use of Information Technology: Guidance on the Brent's Local Code of Conduct for members
- (5) Convention on Working Relations

### **Guidance**

14. If you need further advice or guidance on interpretation of this Code, please contact:

Fiona Ledden, Director of Legal and Procurement (Monitoring Officer); Ext: 1292 or  
Kathy Robinson, Senior Lawyer, Ext: 1368

## **BRENT MEMBERS CODE OF CONDUCT**

### Part 1

#### General provisions

#### **~~Introduction and interpretation~~**

- ~~1. (1) This Code applies to **you** as a member of an authority.~~
- ~~(2) You should read this Code together with the general principles prescribed by the Secretary of State.~~
- ~~(3) It is your responsibility to comply with the provisions of this Code.~~
- ~~(4) In this Code~~

~~—————"meeting" means any meeting of—~~

- ~~(a) the authority;~~
- ~~(b) the executive of the authority;~~
- ~~(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;~~

~~"member" includes a co-opted member and an appointed member.~~

#### **~~Scope~~**

- ~~2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—~~
  - ~~(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or~~
  - ~~(b) act, claim to act or give the impression you are acting as a representative of your authority;~~

- ~~and references to your official capacity are construed accordingly.~~
- ~~(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.~~
- ~~(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.~~
- ~~(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).~~
- ~~(5) Where you act as a representative of your authority—~~
- ~~(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or~~
- ~~(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.~~

### ~~General obligations—~~

- ~~3. (1) You must treat others with respect.~~
- ~~(2) You must not—~~
- ~~(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);~~
- ~~(b) bully any person;~~
- ~~(c) intimidate or attempt to intimidate any person who is or is likely to be~~
- ~~(i) a complainant,~~
- ~~(ii) a witness, or~~
- ~~(iii) involved in the administration of any investigation or proceedings,~~
- ~~— in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or~~
- ~~(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.~~
- ~~4. You must not—~~
- ~~(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—~~



- ~~(i) you have the consent of a person authorised to give it;~~
  - ~~(ii) you are required by law to do so;~~
  - ~~(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or~~
  - ~~(iv) the disclosure is
 
    - ~~(aa) reasonable and in the public interest; and~~
    - ~~(bb) made in good faith and in compliance with the reasonable requirements of the authority; or~~~~
  - ~~(b) prevent another person from gaining access to information to which that person is entitled by law.~~
- ~~5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.~~
- ~~6. You~~
- ~~(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and~~
  - ~~(b) must, when using or authorising the use by others of the resources of your authority
 
    - ~~(i) act in accordance with your authority's reasonable requirements;~~
    - ~~(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and~~~~
  - ~~(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.~~
- ~~7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by~~
- ~~(a) your authority's chief finance officer; or~~
  - ~~(b) your authority's monitoring officer,~~
- ~~where that officer is acting pursuant to his or her statutory duties.~~
- ~~(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.~~

## Part 2

### Interests

#### ~~Personal interests~~

- ~~8. (1) You have a personal interest in any business of your authority where either~~
- ~~—~~
- ~~(a) it relates to or is likely to affect—~~
- ~~(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.~~
- ~~(ii) any body—~~
- ~~(aa) exercising functions of a public nature;~~
- ~~(bb) directed to charitable purposes; or~~
- ~~(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);~~
- ~~— of which you are a member or in a position of general control or management;~~
- ~~(iii) any employment or business carried on by you;~~
- ~~(iv) any person or body who employs or has appointed you;~~
- ~~(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;~~
- ~~(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);~~
- ~~(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);~~
- ~~(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;~~
- ~~(ix) any land in your authority's area in which you have a beneficial interest;~~
- ~~(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;~~
- ~~(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or~~

- ~~(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;~~
- ~~(2) In sub-paragraph (1)(b), a relevant person is—~~
  - ~~(a) a member of your family or any person with whom you have a close association; or~~
  - ~~(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;~~
  - ~~(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or~~
  - ~~(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).~~

### ~~Disclosure of personal interests—~~

- ~~9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.~~
- ~~(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.~~
- ~~(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.~~
- ~~(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.~~
- ~~(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.~~
- ~~(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.~~
- ~~(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.~~

**Prejudicial interest generally**

- ~~10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.~~
- ~~(2) You do not have a prejudicial interest in any business of the authority where that business—~~
- ~~(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;~~
  - ~~(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or~~
  - ~~(c) relates to the functions of your authority in respect of—~~
    - ~~(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;~~
    - ~~(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;~~
    - ~~(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;~~
    - ~~(iv) an allowance, payment or indemnity given to members;~~
    - ~~(v) any ceremonial honour given to members; and~~
    - ~~(vi) setting council tax or a precept under the Local Government Finance Act 1992.~~

**Prejudicial interests arising in relation to overview and scrutiny committees**

- ~~11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—~~
- ~~(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and~~
  - ~~(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.~~

**Effect of prejudicial interests on participation**

- ~~12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—~~
- ~~(a) you must withdraw from the room or chamber where a meeting considering the business is being held—~~
    - ~~(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;~~
    - ~~(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;~~
  - ~~— unless you have obtained a dispensation from your authority's standards committee;~~
  - ~~(b) you must not exercise executive functions in relation to that business; and~~
  - ~~(c) you must not seek improperly to influence a decision about that business.~~
- ~~(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.~~

### Part 3

#### Registration of Members' Interests

##### **Registration of members' interests**

- ~~13. (1) Subject to paragraph 14, you must, within 28 days of~~
- ~~(a) this Code being adopted by or applied to your authority; or~~
  - ~~(b) your election or appointment to office (where that is later);~~
- ~~— register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.~~
- ~~(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.~~

##### **Sensitive information**

- ~~14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.~~

~~(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.~~

~~(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.~~

***THE 10 GENERAL PRINCIPLES OF CONDUCT***

***Selflessness***

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

***Honesty and Integrity***

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

***Objectivity***

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

***Accountability***

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

***Openness***

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

***Personal Judgement***

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

***Respect for Others***

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

***Duty to Uphold the Law***

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

***Stewardship***

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

***Leadership***

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## Schedule 1

Allowance	Number of Posts /Amount (£)	Total (£)
<b>Basic</b> Payable to all councillors	63 x 7,974	502,362
<b>Special responsibility</b> Only one special responsibility allowance will be paid to any one member		
<b>Post</b>		
Leader	1 x 35,222	35,222
<b>Executive members</b> Deputy Leader Other Executive members	1 x 24,655 8 x 14,969	144,407
Chairs of the Overview and Scrutiny Committees	5 x 4,777	23,885
<b>Chair of Council committees</b> Planning Committee Audit Committee	1 x 13,208 1 x 2,113	15,321
<b>Co-chair Youth Parliament</b>	1 x 2,113	2,113
<b>Chairs of sub-committees</b> Pension Fund Sub-Committee	1 x 2,113	2,113
<b>Chairs of Service User Consultative Forums</b>	5 x 2,113	10,565
<b>Chairs of Area Consultative Forums</b>	5 x 4,777	23,885
<b>Members of Alcohol and Entertainment Licensing Committee</b>	15 x 2,113	31,695
Members of the Planning Committee	10 x 3,170	31,700
Member of Adoption and Permanency Panel	1 x 3,170	3,170
Member of the Fostering Panel	1 x 3,170	3,170
Group Leaders	3 x 12,658	37,974
Deputy Group Leaders	3 x 10,126	30,378
Group Whips	3 x 5,473	16,419
	<b>TOTAL for Basic and Special Responsibilities</b>	<b>914,379</b>