



**Full Council**  
22 February 2021

**Report from the Director of Legal,  
HR , Audit & Investigations**

## **Changes to the Constitution**

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	Two Appendix 1: Draft Protocol for Extraordinary Council Meetings Appendix 2: Proposed amendment to Standing Order 29 re Extraordinary Council Meetings
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal, HR, Audit & Investigations. Tel: 0208 937 1578 Debra.Norman@brent.gov.uk

### **1.0 Purpose of the Report**

- 1.1 This report is to seek the council's agreement to minor change to the Constitution in respect of requisitioning Extraordinary meetings and the provisions of the Code of Conduct.

### **2.0 Recommendations**

- 2.1 To approve the changes to the Constitution in this report.
- 2.2 To authorise the Director of Legal and HR Services to amend the Constitution accordingly, including making any necessary incidental or consequential changes.

### 3.1 Detail

3.1 In October 2020 an Extraordinary Meeting was called on the requisition of 5 members of the council. Legislation provides that 5 members of the council (“the requisitioning members”) may present a requisition to the Mayor requesting that the Mayor call an Extraordinary Meeting of the council. If the Mayor refuses to do so, or fails to call the meeting within 7 days after the requisition, the requisitioning members may call the Extraordinary Meeting.

3.2 Following reflections on how the process worked in practice in October, it is suggested that a Protocol to govern exercise of this right by councillors would make it more likely that the work and disruption generated by such meetings can be avoided, other than where really necessary.

3.3 The attached draft Protocol in Appendix 1 provides:

- That members considering signing a requisition to speak to the Chief Executive with a view to seeking a resolution in relation to their concerns before doing so.
- If a requisition is nonetheless presented to the Mayor, if it appears appropriate, discussion with the requisitioning members should continue.
- If sufficient of the members who have signed the requisition decide during the 7 days allowed for the calling of the meeting that they no longer support the requisition, they notify the Mayor accordingly and the meeting will not be called.

3.4 A draft amendment to Standing Orders to refer to the Protocol is also attached as Appendix 2.

3.5 Two minor changes are also recommended to the Members Code of Conduct as follows:

- a) To specify in the Code that the relevant definition for the provision in relation to bullying will be the ACAS definition. There are a variety of definitions and it will be helpful for members, and for others seeking to understand the Code, if a specific definition is identified. It’s worth noting that this is the definition that is recommended in the recently issued LGA model Code. The definition contained in the ACAS publication “Bullying and Harassment at Work” is:

*Bullying may be characterised as: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.*

- b) To add Equalities and Data Protection training to the list of mandatory training in the Code. They are already considered to be a requirement but are not yet included in the list in the Code.

#### **4.0 Financial Implications**

4.1 None.

#### **5.0 Legal Implications**

5.1 These are contained in the body of the report.

#### **6.0 Equality Implications**

6.1 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.

6.2 No equalities implications arise directly from this report.

#### **7.0 Consultation with Ward Members and Stakeholders**

7.1 The proposals in this report have been considered by the Council’s Constitutional Working Group.

#### **8.0 Human Resources/Property Implications (if appropriate)**

8.1 None.

#### **Report sign off:**

**Debra Norman**

Director of Legal, HR, Audit & Investigations