

Public Document Pack



OVERVIEW & SCRUTINY COMMITTEE

Thursday, 10 November 2011 at 7.30 pm
Conference Room, Civic Centre, Silver
Street, Enfield, EN1 3XA

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Councillors : Toby Simon (Chairman), Alan Sitkin (Vice-Chair), George Savva MBE, Alev Cazimoglu, Rohini Simbodyal, Michael Rye OBE and Edward Smith

Education Statutory Co-optees: 1 vacancy (Church of England diocese representative), Simon Goulden (other faiths/denominations representative), Tony Murphy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor Representative).

Support Officer –Mike Ahuja (Head of Corporate Scrutiny & Community Outreach)
Koulla Panaretou (Corporate Scrutiny Secretary)

AGENDA – PART 1

1. **WELCOME AND APOLOGIES FOR ABSENCE (IF ANY)**
2. **DECLARATION OF INTEREST** (Pages 1 - 2)

Members of the Council are invited to identify any personal or prejudicial interests relevant to items on the agenda. A definition of personal and prejudicial interests has been attached for members' information.

3. **SCRUTINY INVOLVEMENT IN BUDGET CONSULTATION PROCESS: ARRANGEMENTS FOR 2012/13 BUDGET COMMISSION** (Pages 3 - 6)

To receive a report from the Head of Corporate Scrutiny & Community Outreach, outlining the proposed arrangements for Scrutiny's involvement in the 2012/13 budget consultation process.

4. **DECISIONS TAKEN UNDER THE COUNCIL'S CONSTITUTION URGENCY PROCEDURES - UPDATE REPORT** (Pages 7 - 18)

To receive a report from the Assistant Director Corporate Governance providing monitoring information on the number of decisions taken under the

Council's urgency procedures (Rule 15 & 16 and waiver of call-in). The monitoring report covers a 6 month period from April – September 2011.

5. DRAFT CHILD & FAMILY POVERTY STRATEGY - THE DRIVE TOWARDS PROSPERITY (Pages 19 - 24)

To receive an update report from the Director of Regeneration Leisure & Culture in respect of the Child Prosperity Strategy.

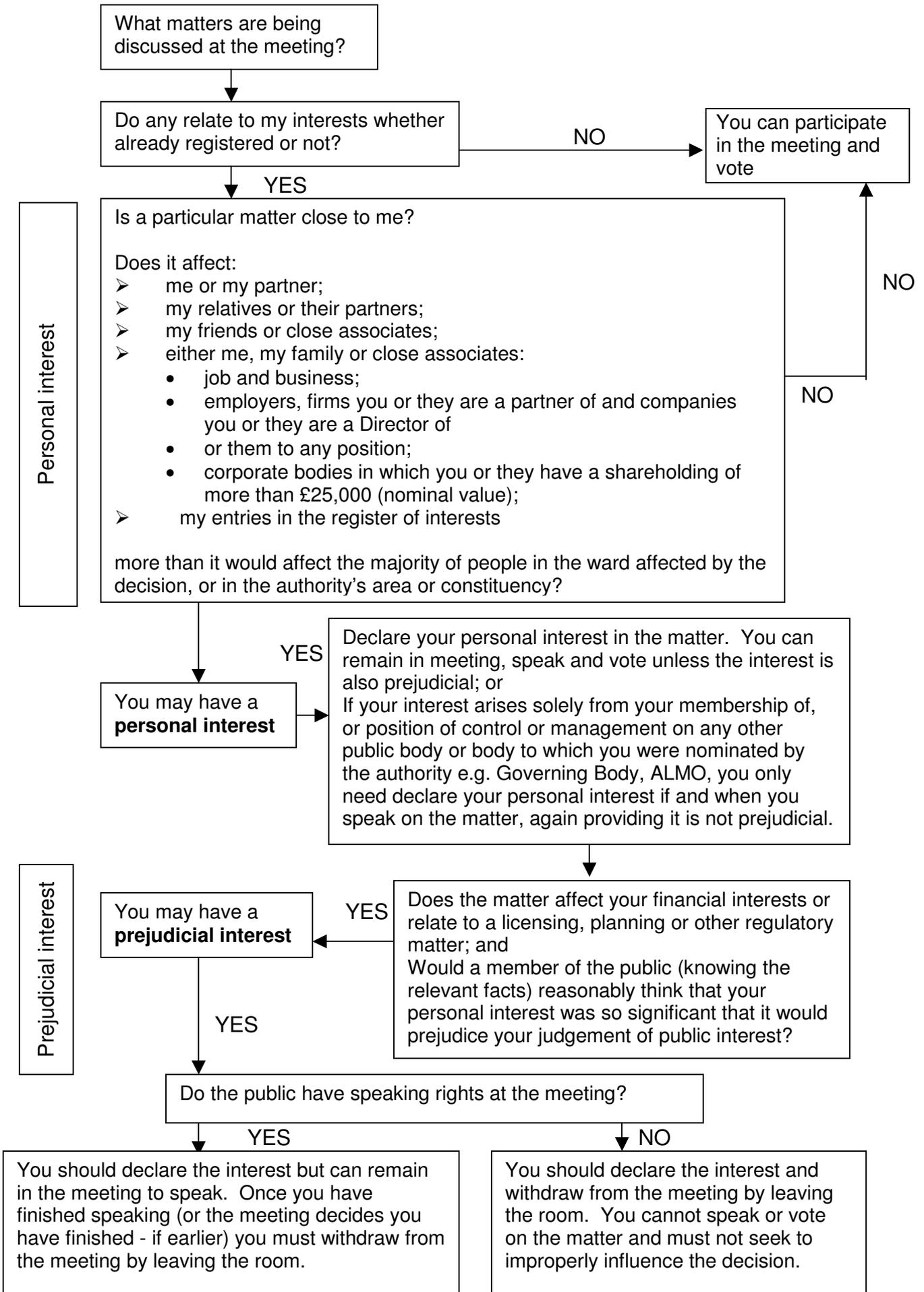
6. AUDIT COMMISSION - MANAGEMENT OF THE GREEN BELT

To receive a verbal update by the Head of Corporate Scrutiny & Community Outreach on the approach taken by Overview & Scrutiny to examine a disposal in the Green Belt in 2010/11.

7. USE OF CONSULTANT, INTERIMS AND AGENCY STAFF - REVIEW OF USE WITHIN COUNCIL (Pages 25 - 28)

To receive a short update on numbers and progress to date – for information only. Members are asked to consider the information and advise if the Head of Human Resources is required to attend the Overview & Scrutiny Committee to respond to any questions.

DECLARING INTERESTS FLOWCHART - QUESTIONS TO ASK YOURSELF



Note: If in any doubt about a potential interest, members are asked to seek advice from Democratic Services in advance of the meeting.

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Overview & Scrutiny Committee – 10 November 2011**Scrutiny involvement in the Budget Consultation Process: Arrangements for 2012/13 Scrutiny Budget Consultation Process**

Briefing paper prepared by: Mike Ahuja (Head of Corporate Scrutiny) 020-8379-5044 & Koulla Panaretou (Overview & Scrutiny Committee Secretary) 0208-379-4835

1. Executive Summary

- 1.1 One of the key roles for Overview & Scrutiny Committee is to manage and co-ordinate scrutiny's involvement in the Council's budget consultation process.
- 1.2 Over the past five years this approach has been structured through a Scrutiny Budget Commission, set up to consider the budget consultation proposals and produce a co-ordinated response on behalf of the scrutiny function. The approach has been further developed with individual Panels now given the opportunity to meet in advance of the Commission to consider the budget proposals relating to their remits in more detail and refer any comments onto the Commission for consideration, as part of the overall scrutiny response.
- 1.3 Overview & Scrutiny Committee is being asked to confirm that it wants to continue with the above approach as a means of structuring scrutiny's involvement in the budget consultation process during 2012/13 and, on the basis of this assumption, consider the detailed arrangements for this years process.

2. Scrutiny Budget Commission 2012/13: Arrangements

- 2.1 The aims behind the Commission approach agreed by Overview & Scrutiny Committee in previous years were as follows:
 - To provide a more co-ordinated, structured & holistic approach towards consideration of the budget consultation proposals by the scrutiny function;
 - To allow more meaningful engagement with members and the public on the consultation proposals with an opportunity provided for stakeholders to focus on the particular areas within the consultation proposals relevant to their interests;
 - To avoid any repetition in terms of the way that the proposals were presented to scrutiny and in the responses generated from the consultation process.
- 2.2 In terms of this year's budget consultation process, Cabinet on 13 July 2011 agreed:

The budget consultation process will be different this year due to the fact that a four year balanced budget including associated savings plans has already been fully consulted on last winter and agreed at Council in March. The consultation

therefore will need to look at future service provision options and the associated costs rather than the traditional savings option paper. This type of consultation will be aimed at increasing customer and public understanding of the key financial decisions the Council faces each year. Plans have yet to be finalised but it is proposed that a questionnaire in the Council's magazine (Our Enfield) has worked particularly well in the past and should be continued this year.

2.3 Having taken account of the issues raised above Overview & Scrutiny is being asked to consider the following in terms of the arrangements for this year's process (based around the continuation of a Scrutiny Commission approach):

- (a) **Date, time & venue for Commission meeting:** A date has already been scheduled for a Commission meeting on Tuesday 31st January 2012 in the Conference Room at the Civic Centre. Last year the meeting was held between 7 – 9pm. **Are members happy to continue with the same arrangements for this year?**

Cabinet is due to consider the response from the budget consultation process at its meeting on 8 February 2012, before the final budget is considered by Council on a date to be agreed, so the above date has been scheduled to enable the Commission to meet as early as possible in order to ensure its response is available in advance of the Cabinet meeting. This will ensure that any comments made can be fully considered as part of the consultation response.

Dates for each of the Scrutiny Panels to consider the budget consultation proposals, and feed their comments back to the Commission, have been scheduled as follows:

Housing Growth & Regeneration -	Tuesday 10 January 12
Older People & Vulnerable Adults	Thursday 12 January 12
Children & Young People	Tuesday 6 December 11
Health & Wellbeing	Thursday 15 December 11
Crime & Safety & Strong Communities	Wednesday 7 December 11
Sustainability & Environment	Monday 16 January 12

Scrutiny Budget Commission - Tuesday 31 January 12

- (b) **Membership of the Commission** – as in previous years it is proposed that the Commission be made up by the members from Overview & Scrutiny Committee, with the Overview & Scrutiny Chairman serving as Commission chairman. **Are members happy to continue on the same basis this year?**
- (c) **Commission Programme** – Last year Overview & Scrutiny Committee agreed that the Commission's meeting should be based around a structured programme, with specific time built in to allow consideration of the proposals within the consultation document relating to each Council service area. **Are members happy to follow a similar programme for this years Commission**

meeting and to delegate authority to the Chairman to agree the detailed programme?

Details are awaited on the format for this years consultation document but in reviewing last years programme a need has been highlighted to ensure it is structured to ensure the maximum opportunity and time is made available for:

- scrutiny members as well as the public to participate and comment on the proposals; and
- any comments referred onto the Commission by individual Panels to be fully considered.

- (d) **Invitees** – The Leader & Cabinet Member for Finance, Human Resources & Facilities will be invited to attend this years Commission in order to present the consultation proposals and respond to comments raised. As in previous years the Directors from all other Council Departments, or an alternative senior officer who is able to deal with any detailed issues raised in relation to the consultation proposals within their particular service remits, will also be invited to attend.

In terms of scrutiny it is again proposed that all Panel members should receive a specific invitation to attend and participate in the Commission meeting.

The meeting will also be open for members of the public/representatives from local interest/stakeholder groups to attend, with specific publicity provided to encourage public participation including a press advert, & direct mailing. **Overview & Scrutiny Committee is asked to confirm they are happy with this approach and also consider any additional publicity methods they would like to see introduced to encourage public attendance at the Commission meeting.**

- 2.4 An initial steer on the above issues will enable officers to begin making the necessary arrangements for this year's Commission and will also ensure that all invitations & publicity can be issued well in advance of the meeting.

3. Recommendations

In order to assist in planning scrutiny's approach towards their involvement in the budget consultation process during 2012/13 Overview & Scrutiny Committee is asked to:

- 3.1 consider the issues highlighted in bold within section 2 above and confirm how they wish to proceed in terms of the final arrangements for the scrutiny's involvement in this years budget consultation process.
- 3.2 delegate consideration and approval of the detailed arrangements, structure and timetable for the this process to the Chairman of Overview & Scrutiny Committee, in consultation with the Head of Corporate Scrutiny & Community Outreach and any other members identified.

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OVERVIEW & SCRUTINY COMMITTEE: Monitoring Information – Decisions taken under Urgency Procedures

Briefing paper prepared by: John Austin (Assistant Director – Corporate Governance): 020-8379-4094 & James Kinsella (Scrutiny Secretary): 020-8379-4041

1. Background

1.1 The Council's Constitution requires that notice of all key decisions due to be taken by the Council must be provided on the Forward Plan.

A key decision is defined as a proposal:

- that involves expenditure/savings of £250,000 or above – this includes proposals phased over more than one year and match/grant aided funding with a total of £250,000 or above; and/or
- which has significant impact on the local community in one or more wards

1.2 In exceptional or urgent cases, if it is not possible to meet this requirement, there are 2 procedures that can be followed to enable the decision to still be taken. These are referred to within the Constitution as the Rule 15 and Rule 16 procedures.

1.3 Under both procedures the Chairman (or in his/her absence Vice-Chairman) of Overview & Scrutiny Committee is required to either be informed or approve the reasons for urgency. Given the key role of the Chairman/Vice-Chairman a monitoring process has been established to enable Overview & Scrutiny Committee to keep the use of these procedures under review.

1.4 This process was established in November 2003 and it was agreed that regular monitoring updates should continue to be provided on a 6 monthly basis. The last monitoring report was provided for Overview & Scrutiny Committee in April 2010 (covering the period October 2010 and March 2011). The next monitoring report is now therefore due and this details use of the procedures between April and September 2011.

1.5 A basic explanation of both procedures is provided (as background information) in Section 2 of this report.

2. Outline of Rule 15 & 16 Urgency Procedures and involvement of Overview & Scrutiny Committee

2.1 Rule 15 (General Exception) Procedure

2.1.1 This procedure is used in cases when:

- a proposed key decision has not been included in the Forward Plan; and
- it is not possible to defer the decision until the next Forward Plan has been published; but

- it is possible to provide a minimum of 5 working days notice prior to the decision being taken;

2.1.2 Under this procedure the decision taker is required to **notify** the Chairman of the Overview and Scrutiny Committee in writing of the key decision, when it is due to be taken and reasons why it was not possible to include it on the Forward Plan.

2.1.3 Once the decision has been taken by the appropriate Director, Cabinet Member or Cabinet itself, it would still be subject to the normal call-in requirements.

2.2 **Rule 16 (Special Urgency) Procedure**

2.2.1 This procedure is used in cases when:

- a proposed key decision has not been included in the Forward Plan; and
- it is not possible to defer the decision until the next Forward Plan has been published; and
- it is not possible to provide a minimum of 5 working days notice prior to the decision needing to be taken;

2.2.2 The procedure should only be used in exceptional or urgent circumstances. Under the procedure the decision can only be taken if the decision taker has **obtained the formal approval** (in writing) of the Chairman (or in his/her absence Vice-Chairman) from Overview & Scrutiny Committee to the reasons for urgency and why the decision cannot reasonably be deferred.

2.2.3 It is important to note that under this procedure the Chairman of Overview & Scrutiny Committee is only being asked to agree to the decision being taken without the required public notice having been given. The actual key executive decision still needs to be approved by the appropriate decision taker.

2.2.4 A key difference between this and the Rule 15 procedure is that decisions taken under the Rule 16 procedure are also (due to their urgent nature) not subject to call-in.

2.2.5 All decisions taken under Rule 16 are reported to full Council on a quarterly basis for information. In addition the leaders of both opposition groups are now also informed after any decision is approved for implementation under the Rule 16 procedure. Decision takers are advised that the urgency procedure should not be used simply because a report has not been prepared in time. There must be clear reasons for urgency, which are endorsed by the Monitoring Officer before being referred onto the Chairman of Overview & Scrutiny Committee for consideration.

3. Monitoring Information on the use of Rule 15 & 16 urgency procedures (April – September 2011)

3.1 The Rule 15 & 16 urgency procedures have been in operation, under the Council's Constitution, since June 2002.

3.2 Set out below is a quarterly breakdown on the number of Rule 15 and 16 decisions, which have been taken over the last 6-month monitoring period between October 2010 and March 2011:

	Rule 15	Rule 16
April – June 2011	2	0
July – September 2011	0	0

3.3 The number of Rule 15 decisions taken over this period totalled 2 (compared to 4 over the previous 6 month period). The number of Rule 16 decisions totalled 0 (compared to 0 over the previous 6 month period), these would have required approval by the Chairman of Overview & Scrutiny Committee.

3.4 Attached as **Appendix 1** is a breakdown of the use of both procedures by Departments.

3.5 Attached as **Appendix 2** is a breakdown of the individual decisions for which the procedures have been used and who was responsible for them.

3.6 Attached as **Appendix 3** are two graphs showing the overall trend in numbers of Rule 15 and Rule 16 decisions since the urgency process was adopted in 2003. There have been very few uses of the Rule 16 process recently with none in the last year, although there were four decisions involving a call in waiver in the last three months. The trend in use of Rule 15 decisions has fallen over the period; these decisions are subject to the usual call-in requirements and account for only a very small percentage of all decisions being made. Officers will continue to keep the trend in use of both processes under review.

4. Monitoring information on the Waiver of Call-In procedure

4.1 In addition to the Rule 15 & 16 procedure the Council's Constitution also contains a provision allowing call-in to be waived on decisions classified as urgent. The constitution states that a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest.

4.2 Again the Chairman of Overview & Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency i.e. call-in being waived to allow its immediate implementation. If the Chairman does not approve, then the decision would still be subject to the normal call-in process.

- 4.3 Overview & Scrutiny Committee has also agreed to monitor the use of this procedure. Members are asked to note that between April 2011 and September 2011 there were four requests to waive call-in on the grounds of urgency under this process (details in Appendix 4). This compares to one during the previous 6 month period.
- 4.4 The use of this procedure is only recommended in exceptional circumstances and again officers must provide clear reasons for urgency, which have to be endorsed by the Monitoring Officer before being referred onto the Chairman of Overview & Scrutiny Committee for consideration.
- 4.5 Details of any decisions approved under this procedure are also reported to full Council and the leaders of the opposition groups.

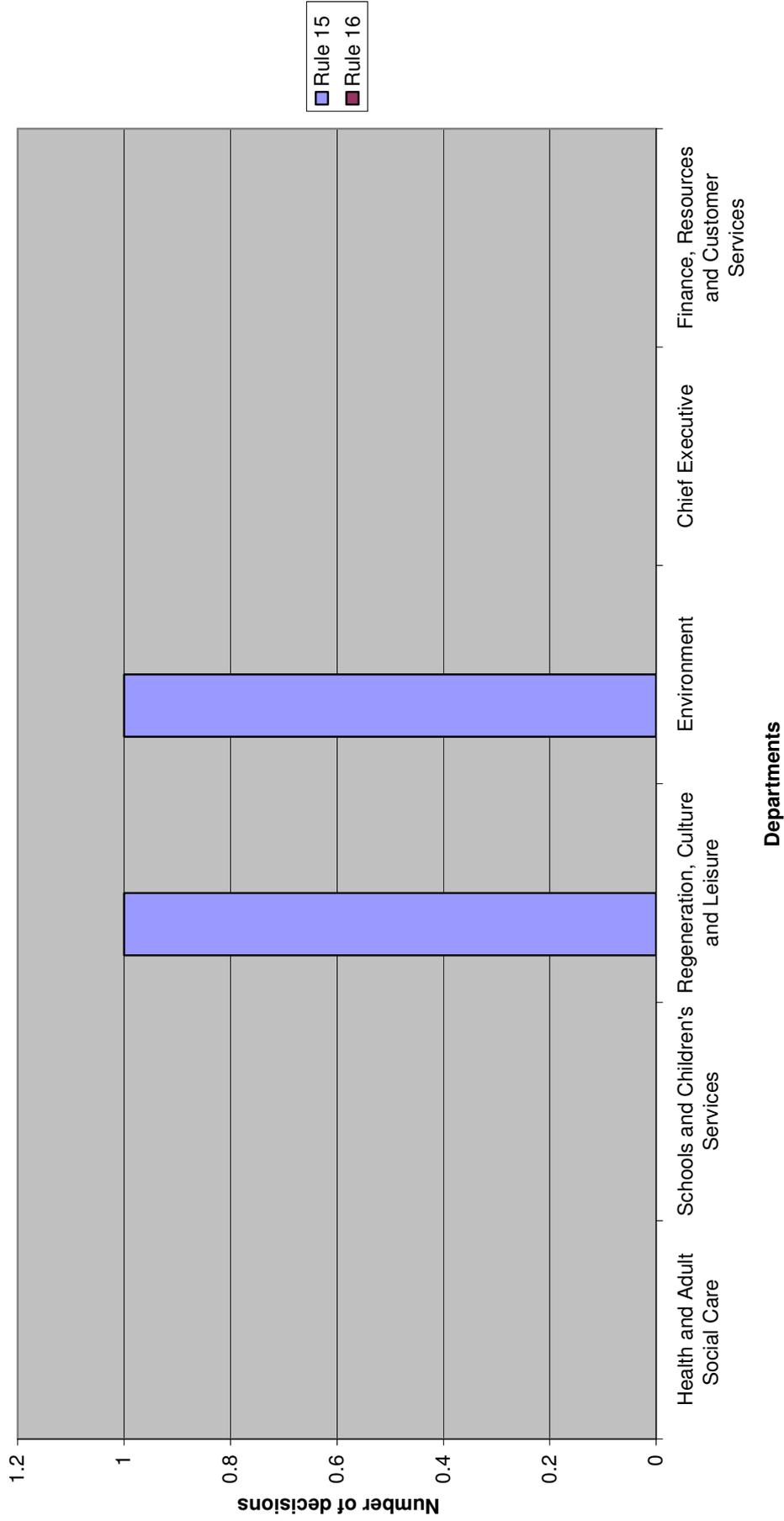
5. Action taken in response to the Monitoring Information

- 5.1 Regular monitoring updates continue to be provided for Overview & Scrutiny Committee to enable members to identify and monitor any trends in the use of these procedures.
- 5.2 The latest monitoring update shows a very slight increase overall in the use of the urgency procedures.
- 5.3 It is also important to recognise that the percentage of decisions being taken under the urgency procedures is very small compared to the overall number of decisions being taken over the same period:
- For the period April – June 2011, 68 decisions were published and of these 2 (3%) were approved under the urgency procedures.
 - For the period July – September 2011, 92 decisions were published and of these 0 (0%) were approved under the urgency procedures.
- 5.4 Members are asked to note that a series of Constitution briefings for officers from across the Council are currently being arranged. The Assistant Director – Corporate Governance is also continuing to work with individual Departments, offering targeted constitution briefings for key staff and also to plan for the implementation of major decisions. The opportunity is being taken at all of these briefings to remind officers of the need to ensure that relevant decisions are included on the Forward Plan and that these urgency procedures are only used in exceptional circumstances. It is felt this activity has helped to keep use of these procedures at a low level through increasing awareness around the Forward Plan and decision-making process.

6. Recommendations

Overview & Scrutiny Committee is asked to note the monitoring information provided on use of the urgency procedures and identify any possible trends/issues requiring further monitoring/action.

Rule 15 and 16 Decisions by Department



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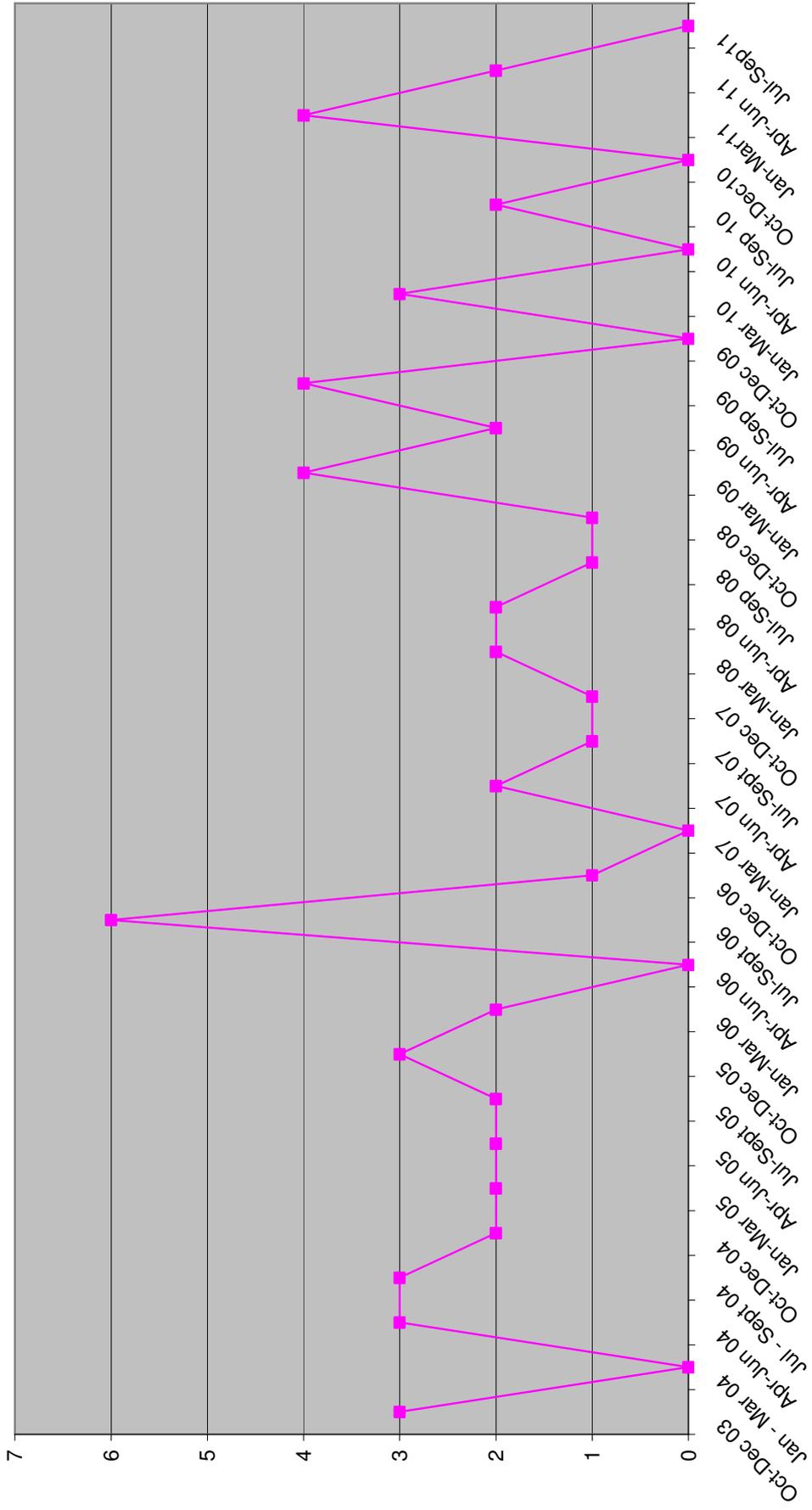
Urgent Decisions Rule 15 and 16: April to September 2011

Date	Decision Taker	Department	Decision	Rule
April – June 2011				
1 April 2011	Director of Environment	Environment	External Funding – London Waste Recycling	Rule 15
6 June 2011	Cabinet Member for Business and Regeneration	Regeneration, Culture and Leisure	Grant funding for Business Support	Rule 15
July –September 2011				
No decisions were taken over this period				
Total				2

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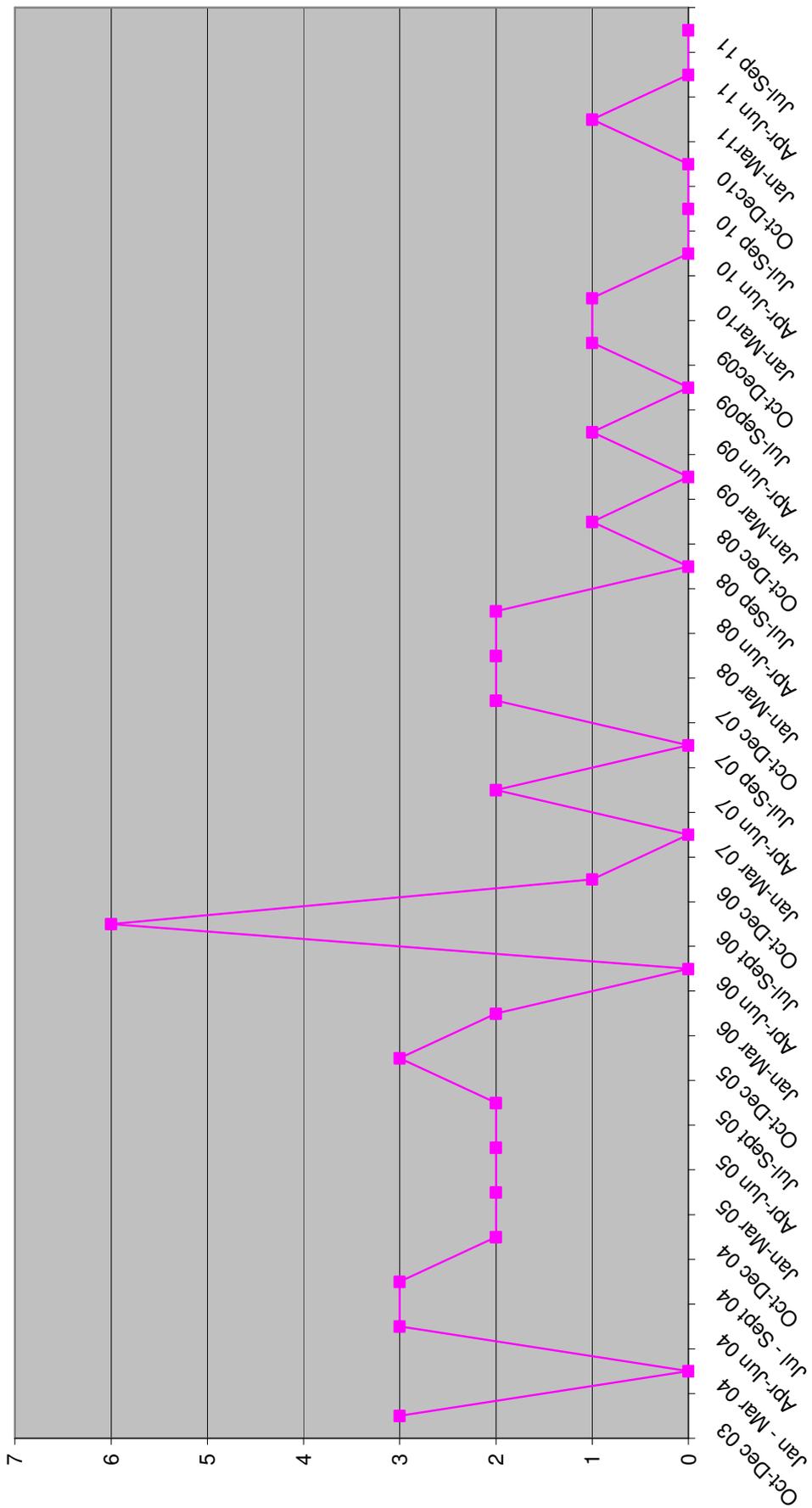
Appendix 3

Rule 15 Decisions October 2003 - September 2011



Appendix 3

Rule 16 Decisions October 2003 - September 2011



APPENDIX 4

Urgent Decisions (Waiver of Call-In): April – September 2011

Date	Decision Taker	Department	Decision
April – June 2011 None taken during this period			
Total: 0			
July – September 2011			
5 July 2011	Director of Finance, Resources and Customer Services	Finance, Resources and Customer Services	Housing Quarterly Electricity Contract Renewal
6 July 2011	Cabinet Member for Children and Young People	Schools and Children's Services	Adaptations to Classrooms at Prince of Wales Primary School
28 July 2011	Cabinet Member for Finance and Property	Schools and Children's Services	Oasis Academy - Relocation of Power Cable
29 July 2011	Cabinet Member for Housing	Health, Housing and Adult Social Care	Cyntra Decent Homes Scheme 2011/12
Total: 4			

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Enfield Draft Child and Family Poverty Strategy – The Drive Towards Prosperity

Overview & Scrutiny Committee

Thursday 10th November 2011

Neil Rousell

Director of Regeneration, Leisure and Culture

Child Poverty Champion

www.enfield.gov.uk

Striving for excellence

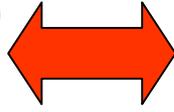


Aims and Objectives

1. To provide an **update** on the Child and Family Poverty Strategy – The Drive Towards Prosperity and current **progress** being made.
2. To explore the importance of **scales and levels** when exploring potential interventions towards poverty issues.
3. To identify the **key drivers** of child and family poverty at these various scales and levels of intervention.
4. To take a look at the steps being undertaken towards building a Child and Family Poverty Strategy **Action Plan**
5. To explore through **discussion** a series of action points to **mitigate measures of poverty**, which will a development of the action plan

Enfield's Position in terms of Child Poverty

Borough



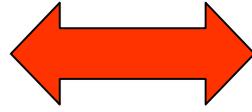
- Enfield is ranked **11th** worst in the country on child poverty

Neighbourhood



- **33%** of Enfield's households are claiming **workless benefits** (JSA, IB, IS, CA)
- **22%** of Enfield's households are claiming **Working Benefits** (WTC, CTC) Both higher in comparison to England, London & Outer London statistics
- **3,510** children in Enfield have at least one parent in work, yet are still in poverty – the so called “**working poor**”

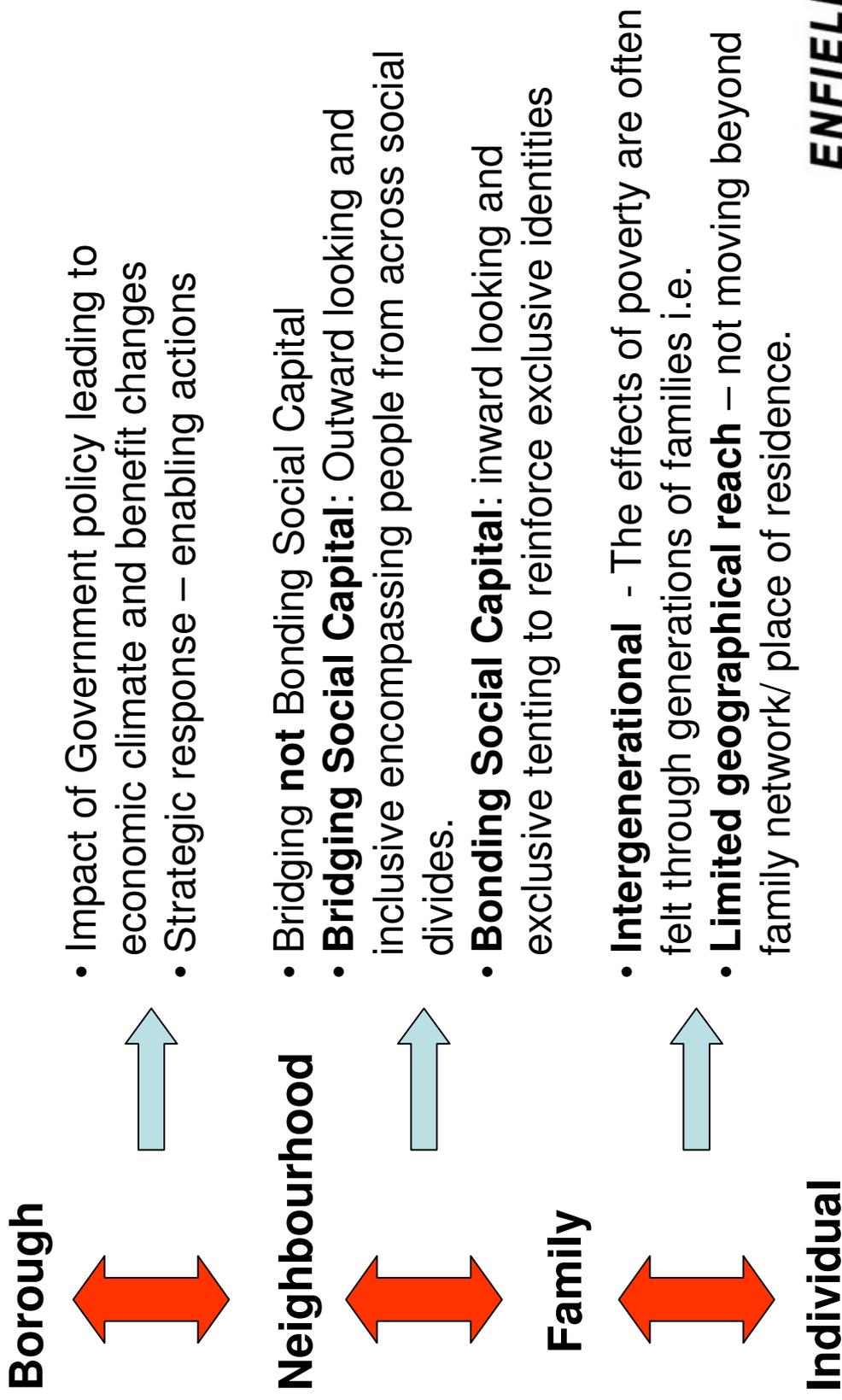
Family



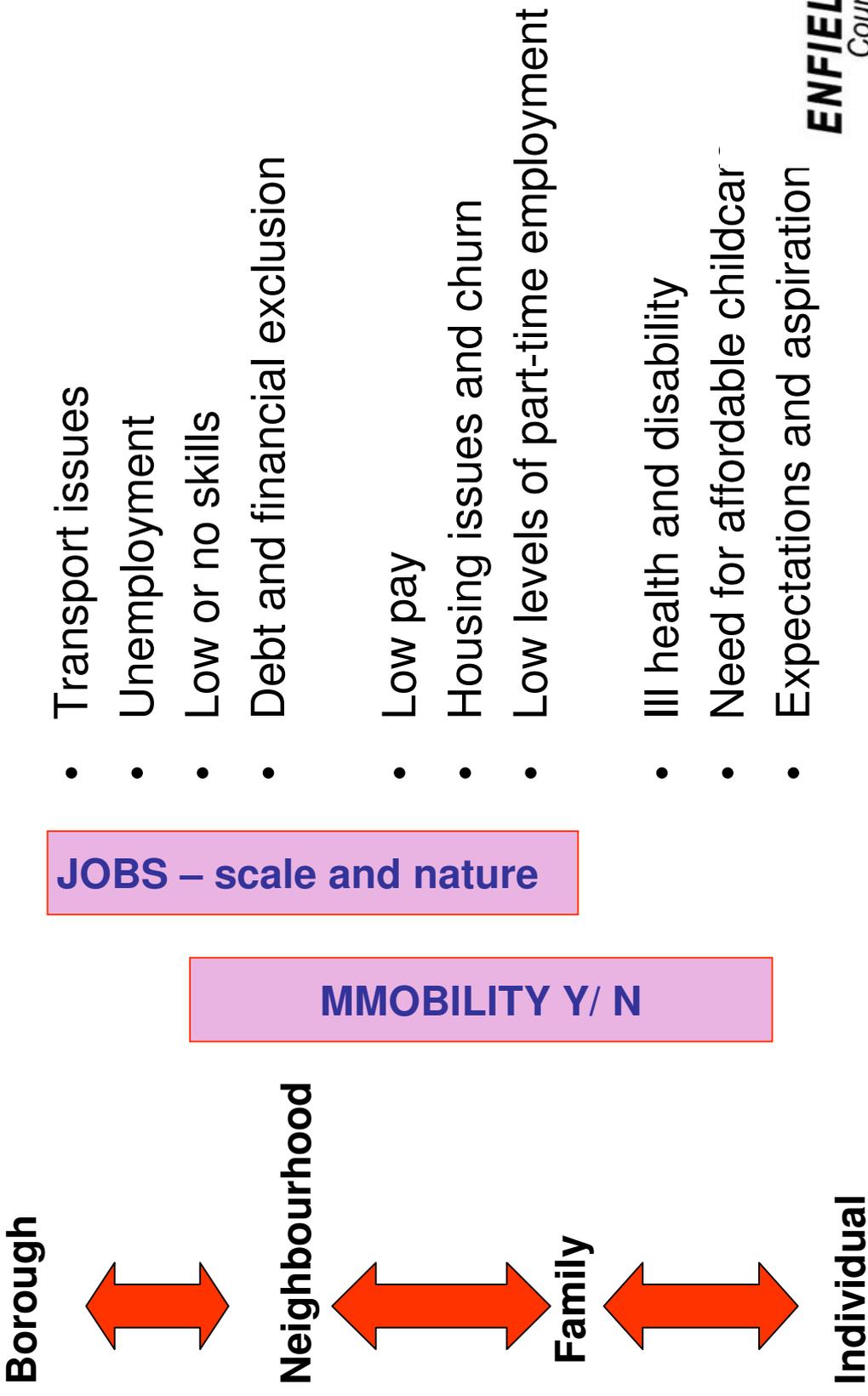
- **Over 1 in 3** of Enfield's dependents under the age of 20 years of age live in poverty
- **20,000 lone parent families** are living in poverty
- **48%** of households with **3 or more** children are living in poverty

Individual

The Importance of the Scale/Levels of Poverty



The Key Drivers of Poverty in Enfield



Mitigating Measures – for Discussion Rounds

1. Financial Support
2. Education, Skills and Training
3. Parental Aspirations
4. Child Experiences

Update on the Use of Agency Workers and Consultants

1. SUMMARY

- 1.1 The work programme for the Overview & Scrutiny Committee meeting in November included consideration of a report updating the Committee on the use of agency workers across all Council services. Given the demanding workload of the Committee, the Chairman has proposed that this item be dealt with by way of a memorandum to update all Members of the Committee on the latest position. In the event that any Member requires any further information, then this can be provided on request.
- 1.2 For the past two years, the Committee has received a six monthly report on the use of agency workers across the Council. This report outlines the position as at September 2011.
- 1.3 This memorandum updates the Committee on the use of agency workers across all services and on measures that continue to be taken to both reduce the overall numbers and control the costs where the continued use of agency workers is considered to be financially expedient.

2. BACKGROUND

- 2.1 In 2009, the Corporate Management Board adopted a strategy of using agency workers to undertake a range of roles where it was anticipated that fewer staff would be required in the future for a variety of reasons e.g. the re-provision of residential care, adoption of new more efficient working methods, the reconfiguration of services, improved workforce flexibility and subsequent reductions in the overall size of the workforce necessary to meet Government imposed financial targets.
- 2.2 In such circumstances engaging agency workers to cover such roles provided opportunities to
 - a) offer redeployment to permanent staff at risk of redundancy;
 - b) provide meaningful work experience for over 100 apprentices (the majority of whom were NEETS);
 - c) minimise the Council's financial exposure to redundancy costs. In the current financial year, 37 staff have been redeployed saving an estimated c£555k in potential redundancy costs

- 2.3 The use of agency workers broadly fall into the following categories:
- a) Those covering roles which are included in planned developments for the alternative provision of that service e.g. care workers
 - b) Those undertaking roles which it is anticipated will not be required in the future e.g. as new and more efficient ways of working are introduced
 - c) Those covering the roles involved in the delivery of projects with defined end dates
 - d) Those meeting a service need where there are either known market skill shortages e.g. child protection social workers or the Council is unable to attract suitably skilled permanent staff to undertake the roles.
 - e) There is a reorganisation pending which is expected to result in fewer staff being required in the future to meet the work demands.
- 2.4 For the past four years, the Council has had a contract with Matrix SCM for the provision of most categories of agency workers. Some other categories of agency worker e.g. street cleaning, catering staff etc were procured through long standing off contract arrangements made between service managers and specific agency worker providers. Following a competitive retendering exercise in late 2010, Matrix was awarded a further four years contract for the provision of all categories of agency workers. The terms of the new contract reduced the costs of the provision of agency workers by c£600k pa.
- 2.5 Since September 2009, the number of agency workers engaged by the Council through the Matrix contract has been gradually reduced from 693 plus off contract workers to 465 (August 2011) plus off contract workers as a-e above has started to be realised.
- 2.6 The use of agency workers is monitored monthly by the Corporate Management Board using monthly updated data provided by Matrix. In addition, the Cabinet Member for Finance & Corporate Resources regularly reviews the engagement of consultants/interims who are paid a rate equal to or above a salary of £50k. At the last review, a number of agency workers consultants in this category was 22 compared with 58 at November 2010. It is anticipated that there will be a further significant reduction in the number of agency workers and consultants/interims between now and April 2012 in order to meet the financial targets set for 2012/13.
- 2.7 The European Agency Working Regulations (AWR) came into effect on 1 October 2011. Under the terms of these regulations, agency workers who undertake the same role within the Council for a period of more than 12 weeks are entitled to receive the same basic pay, holiday entitlements and other benefits as permanent staff working in comparable jobs. For all

practical purposes, the provisions of these regulations take effect from 24 December for agency workers who have been working with the Council for 12 weeks or more. The impact of these regulations has the potential to significantly increase the cost of retaining agency workers. Consequently, action is currently being taken to review the continued engagement of all agency workers. Given the role being covered in some services, there will be no option but to either reduce the number of agency workers and consequently, the level of service or absorb the additional cost within the appropriate service budgets. A number of options are currently being explored with Matrix to minimise the financial impact of this legislative change on the Council. An internal Project Team has been set up by CMB to ensure such measures are effectively implemented.

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