



LONDON BOROUGH OF ENFIELD

**AGENDA FOR THE COUNCIL MEETING
TO BE HELD ON WEDNESDAY, 28TH MARCH,
2012 AT 7.00 PM**

**THE WORSHIPFUL THE MAYOR
AND COUNCILLORS OF THE
LONDON BOROUGH OF ENFIELD**

Please Reply to: James Kinsella
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Date: 20 March 2012

Dear Councillor,

You are summoned to attend the meeting of the Council of the London Borough of Enfield to be held at the Civic Centre, Silver Street, Enfield on Wednesday, 28th March, 2012 at 7.00 pm for the purpose of transacting the business set out below.

Yours sincerely

J.P.Austin

Assistant Director, Corporate Governance

- 1. ELECTION (IF REQUIRED) OF THE CHAIRMAN/DEPUTY CHAIRMAN OF THE MEETING**
- 2. MAYOR'S CHAPLAIN TO GIVE A BLESSING**

The Mayor's Chaplain to give a blessing.

- 3. MAYOR'S ANNOUNCEMENTS (IF ANY) IN CONNECTION WITH THE ORDINARY COUNCIL BUSINESS**

- 4. MINUTES (Pages 1 - 12)**

To approve, as a correct record, the minutes of the Council meeting held on 29 February 2012.

- 5. APOLOGIES**
- 6. DECLARATION OF INTERESTS (Pages 13 - 14)**

Members of the Council are invited to identify any personal or prejudicial

interests relevant to items on the agenda. Please refer to the guidance note attached to the agenda.

7. PETITION - SPITTING BAN (Pages 15 - 22)

To receive a report from the Director of Finance, Resources & Customer Services detailing a petition received seeking a public ban on spitting in the borough. (Report No.226)

Members are asked to note that the Petition has been submitted under the Council's Petition scheme and, in accordance with the scheme, has been referred for debate at Council as it contains more than 2,750 signatures.

Under the terms of the Petition Scheme the petition organiser (in this case Monty Meth – Over 50's Forum) will be given 5 minutes to present the petition at the Council meeting. Council will then have the opportunity to discuss the petition for a maximum period of 15 minutes.

The Council will then need to decide how to respond to the petition. In doing this, Council may decide to take the action requested, not take the action (for reasons given during the debate) or to commission further investigation. Where the issue is one on which the Council Executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

In accordance with the Petition Scheme, Council is asked to consider the views expressed in the petition having noted that the petition has also been considered and endorsed by the Overview & Scrutiny Committee on 26 January 2012.

8. ADOPTION OF STATUTORY PAY POLICY STATEMENT (Pages 23 - 36)

To receive a report from the Chief Executive presenting the Council's Statutory Pay Policy Statement for consideration and approval. (Report No.227)

Members are asked to note that the draft Policy Statement was considered and approved for recommendation onto Council, at the Remuneration Sub Committee on 15 February 2012.

9. PROPOSALS FOR THE ADOPTION OF LICENSING POLICIES IN RELATION TO CUMULATIVE IMPACT, SEXUAL ENTERTAINMENT VENUES AND THE OLYMPICS & PARALYMPIC GAMES. (Pages 37 - 64)

To receive a report from the Director of Environment setting out three proposals for the adoption of new licensing policies in relation to the cumulative impact of licensed premises, to restrict licensed premises from holding live displays or performances involving nudity and licensed events during the periods of the Olympic and Paralympic Games. These policies follow a public consultation exercise undertaken between October 2011 and

January 2012.

(Report No.228)

Members are asked to note that the recommendations were considered and approved for recommendation onto Council by the Council's Licensing Committee on 23 January 2012.

Please note this report contains colour appendices. Copies of these have been provided to all members under separate cover.

10. THE LOCALISM ACT 2011 - REPLACING THE STANDARDS REGIME
(Pages 65 - 78)

To receive a report from the Director of Finance, Resources & Customer Services setting out proposed changes to the Standards regime arising from the Localism Act 2011. (Report No.205A)

Members are asked to note that the proposals detailed within the report have been subject to consideration and approval by the Standards Committee (5 March 2012) & Members & Democratic Services Group (6 March 2012).

11. AMENDMENTS TO THE CONSTITUTION - TERMS OF REFERENCE FOR THE SCHOOLS FORUM (Pages 79 - 86)

To receive a report from the Director of Schools & Children's Services setting out proposed amendments to the Terms of Reference for the Schools Forum. (Report No.229)

Members are asked to note that the proposed amendments were considered and approved for recommendation onto Council by the Members & Democratic Services Group on 6 March 2012.

12. ENFIELD RESIDENTS PRIORITY FUND - UPDATE OF GUIDANCE AND CRITERIA FOR 2012/13 (Pages 87 - 108)

To receive a report from the Chief Executive seeking approval to the updated guidance for the Enfield Residents Priority Fund. (Report No. 213)

Council is asked to note that this item is due to be considered by Cabinet on 21 March 2012 and an update on any decision made as a result will be provided for the Council meeting. **(Key Decision – Reference 3458)**

13. ENFIELD JOINT END OF LIFE CARE STRATEGY 2012-2016 (Pages 109 - 136)

To receive a report from the Director of Health, Housing & Adult Social Care recommending approval of a five year commissioning strategy and costed implementation plan for End of Life Care jointly with NHS Enfield. (Report No.214)

Council is asked to note that this item is due to be considered by Cabinet on

21 March 2012 and an update on any decision made as a result will be provided for the Council meeting. **(Key Decision – Reference 3386)**

Please note the Cabinet report has been attached with a copy of the full Strategy document and Predictive Equalities Impact Assessment placed, for reference, in the Members Library and Group Offices. If required, additional copies can also be obtained by contacting James Kinsella (Governance Team Manager).

14. FREEDOM OF THE BOROUGH

Council is asked to agree to a Special Meeting being convened on Thursday 24th May 2012 to confer Honorary Freedom of the Borough on local citizens.

15. COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES) (Pages 137 - 158)

15.1 Urgent Questions (Part 4 - Paragraph 9.2.(b) of Constitution – Page 4-9)

With the permission of the Mayor, questions on urgent issues may be tabled with the proviso of a subsequent written response if the issue requires research or is considered by the Mayor to be minor.

Please note that the Mayor will decide whether a question is urgent or not.

The definition of an urgent question is “An issue which could not reasonably have been foreseen or anticipated prior to the deadline for the submission of questions and which needs to be considered before the next meeting of the Council.”

Submission of urgent questions to Council requires the Member when submitting the question to specify why the issue could not have been reasonably foreseen prior to the deadline and why it has to be considered before the next meeting. A supplementary question is not permitted.

15.2 Councillors' Questions (Part 4 – Paragraph 9.2(a) of Constitution – Page 4 - 8)

The list of thirty eight questions received and their responses are attached to the agenda.

16. MOTIONS

16.1 In the name of Councillor Taylor

The Council notes the report of the Boundary Commission published on 6 March.

16.2 In the name of Councillor Stafford

Enfield Council notes that, starting in October 2013, Universal Credit will begin to replace Income Support, Job Seekers Allowance, Employment and Support Allowance, Housing Benefit, Working Tax Credit, Child Tax Credit and Support for Mortgage Interest.

The Council recognises that Universal Credit is a household benefit and that the income from Universal Credit will therefore be critical to the household incomes of thousands of its residents who are both in and out of work.

The Council therefore believes that the quality of the Universal Credit “service” will be important to the lives of its citizens and that the planned reliance on a web based delivery model backed up by remote call centres without the inclusion of a local, easily accessible, face to face service element puts the successful introduction of Universal Credit at significant risk.

The Council therefore resolves to approach DWP and raise its concerns to develop jointly with DWP local arrangements for the delivery of Universal Credit and to report back on progress to full Council later in 2012 specifically addressing the resources required and responses to the following basic questions:

- How will someone apply locally?
- Where will they apply locally?
- Where will they take required documents locally?
- Where will the local “Universal Credit” office be and what office accommodation will be required?
- How will the skills and experiences of existing benefit staff be utilised and how many staff will be needed?
- How does an individual citizen get face to face advice and help if they have a problem?

16.3 In the name of Councillor Sitkin

Council notes the implications of the Government budget on Enfield residents.

16.4 In the name of Councillor Cazimoglu

Women are being hit hardest by this Government's economic policies - losing twice as much as men from tax credits, pay, pensions and benefit changes. We urge the Tory-led government to assess the cumulative impact of their policy and funding changes to women's lives and safety. We therefore ask for a full report on how these legislative changes will impact upon the women of Enfield.

16.5 In the name of Councillor Lavender

This Council recognises the important role played by the Green Belt in

- (i) providing passive open space,
- (ii) providing publicly accessible recreation (particularly enjoyed by those who otherwise do not have access to private gardens),
- (iii) maintaining a sustainable environment for wildlife,
- (iv) inhibiting inappropriate development and arresting climate change and
- (v) preserving a sense of history and identity to Enfield, Edmonton and Southgate.

This Council recognises that its ability to maintain, preserve and provide such facilities and/or attributes is enhanced when its powers as planning authority are combined with the proper exercise of its power as landlord.

This council notes the uproar and concern caused by recent decisions of the Labour Council to dispose of interests in the Green Belt within the London Borough of Enfield.

This council therefore resolves not to make any further decision to dispose of any property interest within the Green Belt applicable to any land within the boundaries of the London Borough of Enfield

- (i) without a full impact assessment being published in relation to the above issues and
- (ii) unless such decision is made by cabinet and is not subject to delegation to members or officers.

17. MEMBERSHIPS

To confirm any changes to committee memberships.

18. NOMINATIONS TO OUTSIDE BODIES

To confirm the following changes to the list of nominations on outside bodies:

- (a) Barnet, Enfield and Haringey Mental Health Trust Foundation Trust Application

1 Majority Group representative (Councillor George Savva)

19. CALLED IN DECISIONS

None received.

20. DATE OF NEXT MEETING

The next meeting of the Council will be held on Wednesday 9 May 2012 at 7.00 p.m. at the Civic Centre. This will be the Annual Council Meeting.

21. EXCLUSION OF THE PRESS AND PUBLIC

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for the item of business listed on the part 2 of the agenda on the grounds that it involves the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(Please note there is no Part 2 Agenda)

**MINUTES OF THE MEETING OF THE COUNCIL HELD ON WEDNESDAY, 29
FEBRUARY 2012**

COUNCILLORS

PRESENT

Christiana During (Mayor), Kate Anolue (Deputy Mayor), Jayne Buckland, Chaudhury Anwar MBE, Ali Bakir, Caitriona Bearryman, Chris Bond, Yasemin Brett, Alev Cazimoglu, Lee Chamberlain, Bambos Charalambous, Yusuf Cicek, Christopher Cole, Andreas Constantinides, Ingrid Cranfield, Christopher Deacon, Marcus East, Patricia Ekechi, Achilleas Georgiou, Del Goddard, Christine Hamilton, Ahmet Hasan, Elaine Hayward, Robert Hayward, Denise Headley, Ertan Hurer, Tahsin Ibrahim, Chris Joannides, Eric Jukes, Jon Kaye, Nneka Keazor, Joanne Laban, Henry Lamprecht, Michael Lavender, Derek Levy, Simon Maynard, Paul McCannah, Donald McGowan, Chris Murphy, Terence Neville OBE JP, Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Martin Prescott, Geoffrey Robinson, Michael Rye OBE, George Savva MBE, Toby Simon, Alan Sitkin, Edward Smith, Andrew Stafford, Doug Taylor, Glynis Vince, Ozzie Uzoanya, Tom Waterhouse, Lionel Zetter and Ann Zinkin.

ABSENT

Alan Barker, Dogan Delman, Jonas Hall, Dino Lemonides, Daniel Pearce and Rohini Simbodyal.

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**ELECTION (IF REQUIRED) OF THE CHAIRMAN/DEPUTY CHAIRMAN OF
THE MEETING**

The election of a Chairman/Deputy Chairman of the meeting was not required.

110

MAYOR'S CHAPLAIN TO GIVE A BLESSING

Dede Mr Ibrahim Yuksel from the Alevi Cultural Centre and Cemevi, gave the blessing.

111

**MAYOR'S ANNOUNCEMENTS (IF ANY) IN CONNECTION WITH THE
ORDINARY COUNCIL BUSINESS**

The Mayor made the following announcements:

- She thanked Mr Yuksel for offering the blessing.
- The Council has been successful with 3 applications this year in the Mayor for London's Safer Parks Awards. The Award ceremony took place on Monday the 27th of February at City Hall, London.

Bury Lodge Gardens had retained Gold from last year.

Bush Hill Park had received Gold this year and silver last year

Holmesdale Tunnel Open space had won Silver on its first application.

These awards were the combination of excellent partnership work between the Friends groups, the Council and the Police. The application forms had probed every aspect of park user safety and evidence had to be provided to support the applications.

Safer parks are those that are well used by everyone in the community and bring lasting benefits; including a reduced fear and incidence of anti-social behaviour and crime. Everyone involved was congratulated.

- Since the last Council meeting the Mayor had attended many engagements in the borough. The Mayor had been particularly delighted to open a new work Club at Enfield Island Village which aimed to reduce unemployment by offering help with writing cv's, learning interview skills and creating work opportunities.
- The Mayor had received a cheque from the London New Years Day Parade for £1500 towards her charity appeal.
- The Mayor had also been pleased to meet the Mayor of Mauritius on Monday 27th February. He was on a visit to London and was entertained to tea in the Parlour. Members were advised that he had very impressed with Enfield as a green borough.
- Members were reminded that the Mayor's Charity Spring Ball would be held on Saturday 24th March. She hoped that as many members and guests as possible would be able to attend in order to support her fund raising evening.

As this was the Council's budget and rent setting meeting the Mayor also reminded members that Section 106 of the Local Government Finance Act 1992 would apply. This stated:

- that any councillor in arrears of Council Tax for two months or more may not vote on matters concerning the level of Council Tax. The restriction applied in relation to items 7 and 8 on the Council agenda.
- Such members if present must disclose the fact that this applies to them. They may however remain in the meeting and speak.
- Furthermore, if this applies to any member of the Cabinet, that member may not exercise any executive function in connection with the budget or the setting of Council Tax during the time he/she is in such arrears.
- Non-compliance could give rise to a criminal offence.

**112
MINUTES**

NOTED the following issues highlighted by the Opposition Group in relation to the responses listed in the minutes from 25 January 2012 to Council Questions (Min.103 (2) refers):

1. Question 21 - that the response to the supplementary question did not reflect the minute from the Bush Hill Park, Palmers Green & Winchmore Hill Area Forum on 1 December 2010.
2. Questions 7, 9, 11, 15, 19 & 25 - Councillor Neville advised that he had not received the written responses to the supplementary questions on these items. The Assistant Director Corporate Governance advised that the responses had been sent via email within the required timescale, but a further copy would be provided and check undertaken to investigate why they had not been received.

AGREED that the minutes of the Council meeting held on 25 January 2012 be confirmed and signed as a correct record

**113
APOLOGIES**

Apologies for absence were received from Councillors Alan Barker, Don Delman, Jonas Hall, Dinos Lemonides, Daniel Pearce and Rohini Simbodyal, Apologies for lateness were received from Councillors Martin Prescott and Toby Simon.

**114
DECLARATION OF INTERESTS**

Councillor Joanne Laban declared a personal interest in item 7 (Budget 2012/13 & Medium Term Financial Plan General Fund) as her mother was an employee at Tottenham Infant School.

**115
BUDGET 2012/13 AND MEDIUM TERM FINANCIAL PLAN (GENERAL FUND)**

Councillor Taylor moved and Councillor Stafford seconded the report of the Director of Finance, Resources and Customer Services (No.189A) presenting for approval the Budget for 2012/13 and Medium Term Financial Plan (General Fund).

NOTED

1. Recommendations 2.1 - 2.6 within the report had been endorsed and recommended onto Council, at the Cabinet meeting held on 8 February

2012. Recommendation 2.7 (relating to the Members Allowance Scheme) had subsequently also been included for consideration.

2. The outcome from the budget consultation process undertaken on the proposals for 2012/13, as detailed within Appendix 1(b) of the report.
3. The ongoing pressures and their impact on delivery of a balanced budget arising from inflation, reductions in Government grants, demographic pressures, reforms to the Welfare Benefits system and other changes in Government legislation and the continued negative impact of the damping mechanism.
4. The recommended budget reflected a balanced position; included no increase in the level of Council Tax in 2012/13 and was also felt to reflect the Administrations achievements in relation to the core aims of Fairness for All; Growth & Sustainability and Strong Communities.
5. The need identified by the Opposition Group to recognise what they felt to be:
 - a. the increasing level of freedom provided in relation to the way funding was now being allocated to local authorities by Central Government.
 - b. the tough decisions that would need to be taken in relation to ongoing delivery of savings in order to provide and maintain a balanced budget.
6. The thanks to Council officers for their support and efforts in delivery of the budget proposals alongside the key achievements made by the current Administration.

AGREED

- (1) to draw the attention of Members to the comments in paragraph 8.5 of the report regarding S106 of the Local Government Finance Act 1992 which required any Member who is two months or more in arrears on their Council Tax to declare their position and not to vote on any issue that could affect the calculation of the budget or Council tax.
- (2) with regard to the revenue budget for 2012/13:
 - (a) to set the council tax requirement for Enfield at £121.500m in 2012/13;
 - (b) subject to final pupil count data, approve expenditure of £277.085m on the schools' budget, funded from the Dedicated Schools' Grant;
 - (c) Set the Council Tax at Band D for Enfield's services for 2012/13 at £1100.34 (as detailed in section 8.1 of the report) , there being no increase over the 2011/12 Council tax;
 - (d) The statutory calculations and resolutions (as set out in Appendix 10 of the report)
- (3) with regard to the Prudential Code and the Capital Programme:

- (a) to note the information regarding the requirements of the Prudential Code (as detailed in section 9 of the report);
 - (b) the proposals for allocating resources to capital projects (as set out in section 9 and Appendix 5 of the report);
 - (c) the Prudential Indicators, the Treasury Management Strategy, the Minimum Revenue Provision statement and the criteria for investments (as set out in section 9 and Appendix 4 of the report)
- (4) with regard to the Medium Term Financial Plan, to note the forecast for the medium term as set out in section 10 of the report and adopt the key principles set out in paragraph 10.16 of the report.
- (5) with regard to the robustness of the 2012/13 budget and the adequacy of the Council's earmarked reserves and balances:
- (a) to note the risks and uncertainties inherent in the 2012/13 budget and the Medium Term Financial Plan (as detailed in section 11 of the report);
 - (b) to note the advice of the Director of Finance, Resources and Customer Services regarding the recommended levels of contingencies, balances and earmarked reserves (as detailed in section 12 of the report) and have regard to the Director's statement (as detailed in section 13 of the report) as part of the final decision making process on the 2012/13 budget
 - (c) the recommended levels of central contingency and general balances
- (6) the Fees and Charges for Environmental Services for 2012/13 (as detailed in Appendix 9b of the report).
- (7) to re-approve the current members allowances scheme and that the automatic increase in allowances by the average earnings as at March not be implemented for the 2011/12 financial year (as detailed in section 13.5 of report).

Following a lengthy debate, the above recommendations were put to the vote and approved with the following result:

For: 32
Against: 0
Abstentions: 23

**116
HOUSING REVENUE ACCOUNT ESTIMATES 2012/13 AND MEDIUM
TERM FINANCIAL PLAN (RENT SETTING - HRA)**

Councillor Oykenor moved and Councillor Georgiou seconded the joint report of the Directors of Health, Housing and Adult Social Care & Finance, Resources and Customer Services (No.190A) presenting for approval the revenue estimates of the Housing Revenue Account (HRA) for 2012/13 following consultation with residents on the HRA budget position.

NOTED

1. The recommendations set out in the report followed on from the report considered and approved at the Cabinet meeting held on 8 February 2012.
2. The impact arising from:
 - a. the introduction of HRA self financing as set out in section 3 of the report, which had been welcomed by members; and
 - b. the need to base the setting of rent charges for 2012/13 on the Government's formula rent calculation.
 - c. the reforms being made by Central Government to social housing and Welfare Benefits policy.
3. The work undertaken with the Council's external procurement body which had resulted in reductions being secured in the cost for supply of electricity at housing sites. This had enabled a freeze in heating fund charges at current levels, which was welcomed by all members.
4. The ongoing re-investment in the Council's housing stock under the Decent Homes Improvement Programme.
5. The Opposition Groups concern to ensure that the review of Enfield Homes was focussed around the needs of local tenants and leaseholders and was structured to enable their full involvement.
6. The thanks to Council officers for their support and efforts in delivery of the budget proposals alongside the key achievements in relation to the housing service.

AGREED

- (1) The detailed revenue estimates of the Housing Revenue Account (HRA) for 2012/13.
- (2) To increase the rents in line with national social rent policy. This will result in an average increase of 6.95% for Enfield tenants.
- (3) The level of service charges for 2012/13 (as set out in para 15.1 of the report) for those properties receiving the services.
- (4) The proposals for increases in other income for 2012/13 as detailed in Appendices 2 & 3 of the report.
- (5) The Temporary Accommodation rents for 2012/13, as set out in Appendix 5 of the report.

- (6) The HRA capital programme for 2012/13 of £36.9m.
- (7) To note the decision to borrow the final settlement sum notified in the January determination, confirmed at £28.8m.
- (8) To delegate authority to the Cabinet member for Housing and the Director of Health, Housing and Adult Social Care to approve tenders for Decent Homes and General Works.

117

CHANGE IN THE ORDER OF BUSINESS

Councillor Brett moved and Councillor Taylor seconded a proposal to change the order of business on the agenda under paragraph 2.2 (page 4-5) of the Council's procedure rules to enable the meeting to take the following as the next items of business:

- Item 11.6: Motion in the name of Councillor McGowan on the Health & Social Care Bill.
- Item 11.5: Motion in the name of Councillor Sitkin on VAT and Mayor for London's public transport fare increases.

The above motion was put to the vote and approved with the following result:

For: 32
Against: 22
Abstentions: 0

Please note the minutes reflect the order in which the items were dealt with at the meeting.

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MOTIONS

- 1.1 Councillor McGowan moved and Councillor Cazimoglu seconded the following motion:

“With most of the health profession now openly against the proposed health reforms, worried Cabinet Ministers should move beyond calling for face saving measures such as 'taking the Secretary of State for Health, Andrew Lansley, out to be shot', as quoted in the Times by a Downing Street source or replaced once the Bill becomes law as advocated by the Deputy Leader of the Liberal Democrats, Simon Hughes, in a recent interview with Andrew Marr.

They should instead join the majorities of the general public, health professionals and this Council in the movement to save the NHS and demand the Government withdraw the Health and Social Care Bill immediately.”

Following a debate the motion was put to the vote and agreed with the following result:

For: 33
Against: 17
Abstentions 4

119
COUNCIL PROCEDURE RULE 8 - DURATION OF COUNCIL MEETING

NOTED in accordance with Council Procedure Rule 8 (page 4-7 – Part 4), the Mayor advised the Council that the time available for the meeting had now elapsed and the remaining items of business would be dealt with in accordance with the expedited procedure.

The remaining items of business were then considered without debate.

120
MOTIONS

The motion set out below lapsed due to lack of time:

In the name of Councillor Sitkin

This Council deplores the reduction in Enfield residents' purchasing power, hence in their ability to support local businesses, as a direct result of the Government's regressive VAT hike and the London Mayor's unwarranted fares' hike.

We therefore call upon George Osborne and Boris Johnson respectively to replace these misguided policies with other more progressive funding measures that do not target the disadvantaged in Enfield's communities the way these Conservative politicians are currently doing.

121
DELEGATED AUTHORITY WITHIN THE ENVIRONMENT DEPARTMENT AND ADOPTION OF SECTION 16 LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003

RECEIVED the report from the Director of Environment (No.188) setting out and updating the delegated authority arrangements within the Environment Department and recommending that the Council adopts legislation to exercise powers to tackle unlawful vehicle crossovers.

NOTED the amendments to section 3.2 and para 1.9 in Appendix D of the report, tabled on the amendment sheet at the meeting.

AGREED

- (1) The delegated authorities outlined in the report and detailed in Appendices A – H, subject to the following amendment to para 1.9 of Appendix D (as listed on the amendment sheet tabled at the meeting):

Para 1.9 (Appendix D) to read: "That there be delegated to the Assistant Director Highways and Transportation, Head of Traffic & Transportation and Group Leaders authority to commence the process to make Orders under the Highways Act 1980 (sections 25, 116 and 118) and the Town & Country Planning Act 1990 (sections 247 and 249). That said officers may proceed to confirm such Orders if unopposed."

- (2) To pass a resolution to adopt Section 16 of the London Local Authorities and Transport for London Act 2003.

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COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)

1.1. Urgent Questions

None received.

1.2. Questions by Councillors

NOTED the thirty questions on the Council's agenda which had received a written reply from the relevant Cabinet Member and Scrutiny Panel Chair.

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MOTIONS

The remaining motions listed on the agenda, as set out below, lapsed due to lack of time:

1.1 In the name of Councillor Hamilton

Enfield Council congratulates the Enfield Independent on its campaign "don't carry, don't kill" for persuading the Conservative led government to change the bill to include a mandatory sentence for all 16 to 17 year olds "using a knife in a threatening or dangerous manner". The Enfield Independent led this campaign which included support from Enfield Council and groups such as STOP, TAGS, Anti-Knife UK and the Enfield based Nelson Williams Foundation as well as the three Enfield MPs.

The Council is opposed to any reduction to police numbers in the borough which would limit the ability to apprehend offenders who have used knives.

This Council also believes that imprisoning people for violent knife crime is only half the battle, it is vital that the criminal justice system provides the resources and expertise required to rehabilitate all young offenders rather than allowing them to languish in prison and become hardened criminals.

1.2 In the name of Councillor Taylor

This Council notes the Mayor of London Boris Johnson's decision not to increase the GLA precept in 2012/13 but also notes that, at the same time, he has introduced huge increases in fares.

1.3 In the name of Councillor Laban

This Council congratulates the Mayor of London Boris Johnson following his announcement to reduce the Mayor's GLA precept and commends his efforts over the last 3 years in which he kept the precept at 0%

1.4 In the name of Councillor Hall

This Council congratulates the coalition government following its decision to renew its grant for another year to ensure that Council tax is maintained at the same level for a further year i.e. a 0% increase.

124

USE OF URGENCY PROCEDURES - MONITORING UPDATE

NOTED the details of the following decisions taken under the Council's urgency procedure relating to the waiver of call-in and, where necessary, the Forward Plan along with the reasons for urgency. These decisions had been made in accordance with the urgency procedures set out in Paragraph 17.3 of Chapter 4.2 (Scrutiny) and Paragraph 16 of Chapter 4.6 (Access to Information) of the Council's Constitution:

1. Award of Tender for external works to former Nightingale Site (Cuckoo Hall Academy)
2. To agree the Council's level of subscription to the London Boroughs Grant Scheme.
3. Extension to contract for supply of electricity to Council Housing sites

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MEMBERSHIPS

AGREED the following changes to committee memberships

- (1) **Member Governor Forum** – Councillor Cole removed as an additional member
- (2) **Commission on Worklessness** – 2 members from Majority Group (Councillors Levy & Simbodyal): 1 member from Opposition Group (name to be notified)

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NOMINATIONS TO OUTSIDE BODIES

AGREED the following changes to the membership of outside bodies:

- (1) **London Councils – Transport & Environment Committee** – Councillors Brett & Levy to fill 2 deputy vacancies
- (2) **North London Waste Authority** – Councillor Bond to replace Councillor Murphy
- (3) **North London Waste Planning Members Group** – Councillor Murphy to replace Councillor Bond
- (4) **Enfield Music Hub** - 2 members from Majority Group (names to be notified): 1 member from Opposition Group (Councillor Kaye).

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CALLED IN DECISIONS

None received.

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DATE OF NEXT MEETING

NOTED that the next meeting of the Council would be held at 7pm on 28 March 2012 at the Civic Centre.

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EXCLUSION OF THE PRESS AND PUBLIC

AGREED to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the item of business listed on part 2 of the agenda on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

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BUDGET 2012/13 AND MEDIUM TERM FINANCIAL PLAN (GENERAL FUND)

RECEIVED a report from the Director of Finance, Resources & Customer Services (No.193) detailing commercially sensitive information relating to the Commercial Waste Fees and Charges for Environmental Services for 2012/13.

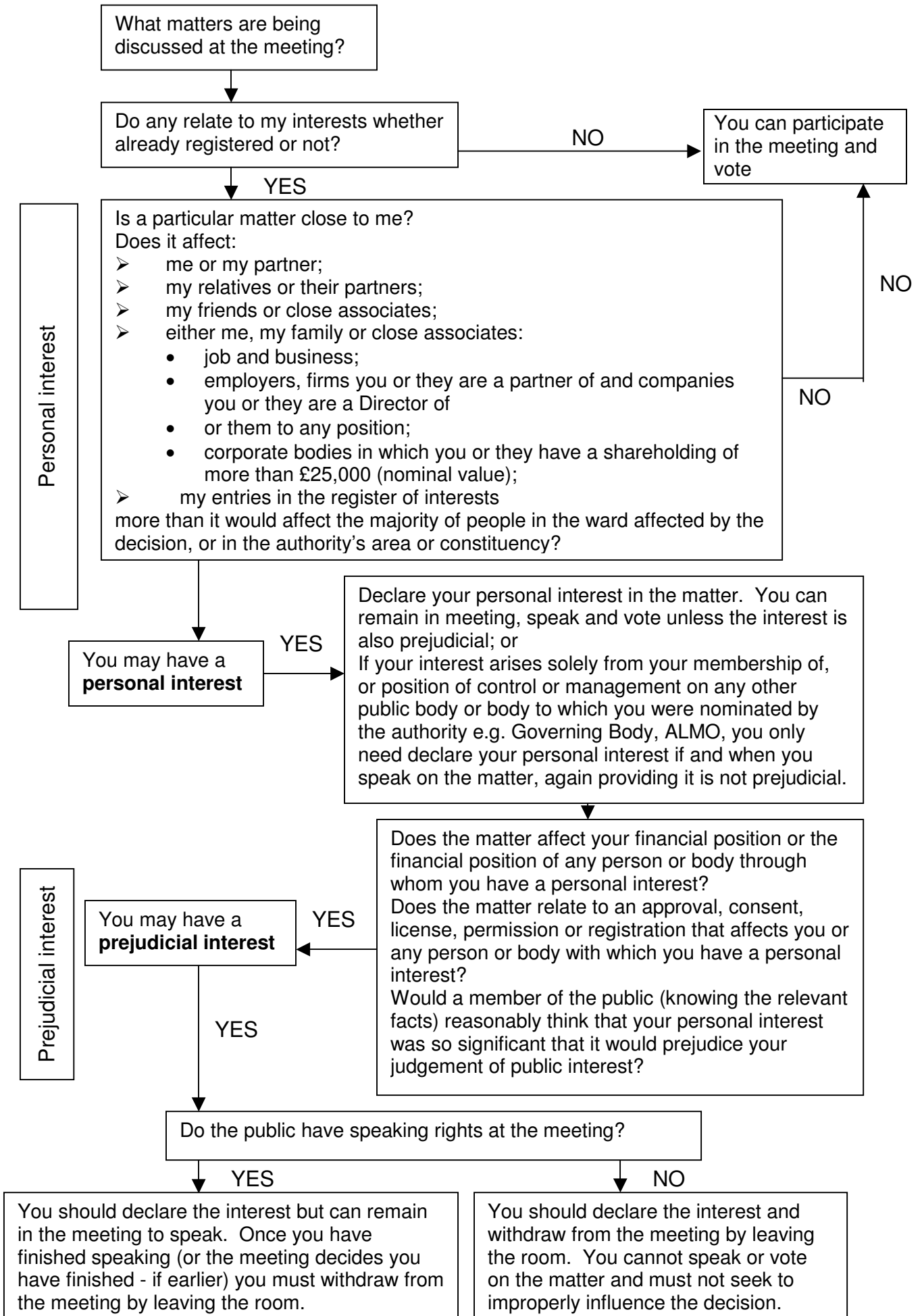
NOTED the report had been submitted in conjunction with Report No189A on the Part 1 agenda (Min.115 refers). The recommendation in the report had

been endorsed and recommended onto Council, at the Cabinet meeting held on 8 February 2012.

AGREED that the Commercial Waste Fees and Changes for Environmental Services be approved for 2012/13, as detailed in section 3.1 of the report.

(Exempt information as defined in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Schedule 12A to the Local Government Act 1972 as amended).

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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MUNICIPAL YEAR 2011/2012 REPORT NO. 226

MEETING TITLE AND DATE:
Council- 28th March 2012

REPORT OF:
Director of Finance,
Resources & Customer
Services

Agenda – Part: 1	Item: 7
Subject: Petition received to ban spitting	
Wards:ALL	
Cabinet Member consulted: Cllr Bond	

Contact officer and telephone number:

Mike Ahuja Head of Corporate Scrutiny 0208 379 5044

E mail: mike.ahuja@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 This report details the petition received by the Head of Corporate Scrutiny Services against spitting in the borough.
- 1.3 Under the Council's Petition scheme if more than 1375 signatures are received this instigates an automatic referral to the Overview & Scrutiny Committee (OSC) which took place on the 26th January.
- 1.4 Under the Council's Petition scheme if the petition contains at least 2,750 signatures it must be debated by Full Council.
- 1.4 In accordance with the Council's Constitution, Council is asked to consider the views expressed in the petition.

2. RECOMMENDATIONS

Council is asked to :

- 2.1 Consider the issue raised by the Petition and then:
- 2.2
 - a) Receive the Petition
 - b) Note any comments from OSC and the Lead Petitioner (attached as Appendix 1).
 - c) Approve a ban on spitting in public places and the imposing of fines.

3. BACKGROUND

- 3.1 The Local Democracy, Economic Development and Construction Act 2009 ('the Act') introduced a mandatory duty upon the Council to implement and publish a Petitions Scheme. This came into effect on 15th June 2010. The Scheme obliged the Council to respond appropriately to compliant petitions and inform people what action will be taken to address their concerns. The Localism Act 2011 repeals those parts of the Act relating to petitions but the Council's petition scheme currently remains in use.
- 3.2 The Council's Petition scheme details that compliant petitions submitted to the council must include:
- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
 - The name and address and signature of any person supporting the petition.
 - Petitions should identify the petition organiser.
- 3.3 Petitions with 1375 signatures (0.5% of the estimated local population for 2010 as published by the Office of National Statistics) must trigger a debate of Overview & Scrutiny Committee. This took place on the 26th January.
- 3.4 Petitions containing at least 2,750 signatures (1% of the estimated local population for 2010 as published by the Office of National Statistics) must be debated by Full Council.
- 3.3 In summary at OSC the petition had unanimous support and called upon the Cabinet Member to write to the three local MP's and the Mayor of London to request that they write to the DCLG in support of the application made by the Council.

4. Anti Spitting Petition

- 4.1 The Over 50s Forum has organised a Petition which calls for the London Borough of Enfield to ban spitting in public places and impose fines where applicable.
- 4.2 The petition is compliant is in paper form and is also an E- Petition. Currently there are 4,008 verified signatures. On the E-Petition 5 people have responded stating that they disagree with the Petition.

5. Legal Process

- 5.1 A provisional application and draft bye-law must be provided to the D.C.L.G. This has been submitted by the Legal Department and is being considered. The D.C.L.G. will then provide the Council with

advice and may list issues that need to be addressed before an application can progress. It should be noted that the Government has indicated generally that it does not consider that a ban on spitting is something that should be addressed by way of a bye-law. As part of the Council need to carry out consultation with local people and respond to any concerns however it is considered that the petition shows adequate consultation with local people.

- 5.2 Once consideration has been given to the provisional application, the DCLG will indicate whether the byelaw is likely to be approved.
- 5.3 At least one month before application (to the Secretary of State) for confirmation of the bye-law is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws are to apply. (s236(4) LGA 1972) A copy of the byelaw should be deposited at the offices of the Council, and shall be open to public inspection at all reasonable hours without payment.
- 5.4 The Secretary of State approves or rejects the byelaw and if approved the Secretary of State sets a date for it to become law (usually a month later)

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 LEGAL IMPLICATIONS

- 6.1.1 The Local Democracy, Economic Development and Construction Act 2009 ('the Act') introduced a mandatory duty upon the Council to implement and to publish a Petitions Scheme. The scheme obliged the Council to respond appropriately to compliant petitions and inform people what action will be taken to address their concerns. Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009 (petitions to local authorities) is repealed by s.46 of the Localism Act 2011. The Council's petition scheme is however still valid.
- 6.1.2 Pursuant to the Council's petition scheme, a matter must be referred to Council if 2,750 signatures are achieved. The matter must then be debated at full Council and a decision taken on the action required by the petition organiser.
- 6.1.3 Section 235 of the Local Government Act 1972 enables district and borough councils to make byelaws for the good rule and government of the whole or any part of the district or borough and for the prevention and suppression of nuisances. The process relating to creation of a Spitting Bye-Law is set out in the body of the report.

6.2 FINANCIAL IMPLICATIONS

If the petition is adopted, a further report detailing the implementation will be required. This report will specify the precise nature of enforcing the ban, and financial implications will accompany this further report

6.3 KEY RISK

Referral to the Council addresses risk of non-compliance with the 2009 Local Democracy Act and the Council's own Constitution

6.4 IMPACT ON COUNCIL PRIORITIES

Fairness for all

Petitions allow all residents to provide council with views and concerns.

Growth & sustainability

Banning spitting would improve all public spaces, improving the quality of life for all Enfield residents

Strong communities

Improving the health and wellbeing of Enfield's residents is a key priority for the Council and its partners. Banning spitting would reduce the possibility of a range of diseases being caused through spitting.

6.5 EQUALITIES IMPACT IMPLICATIONS

An equality impact assessment/analysis (EQIA) is not required to approve consideration of the petition. If Council propose establishing an anti-spitting ban, an EQIA will be required at that time.

6.6 PERFORMANCE MANAGEMENT IMPLICATIONS

If spitting were to be banned, the ban would be monitored through the Council's environmental enforcement programme. The success of the ban would also be reflected in the Council's health targets and resident satisfaction with the public realm.

Background Papers

OSC minutes

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY
COMMITTEE HELD ON THURSDAY, 26 JANUARY 2012**

515

PETITION - ANTI-SPITTING IN ENFIELD

A brief update from Mike Ahuja (Head of Corporate Scrutiny & Community Outreach): Petitions with 1375 signatures or more, which equates to 0.5% of the number of residents in Enfield, automatically triggers a debate of the Overview & Scrutiny Committee, who receive the petition and note any issues. The Petition can then be heard at full Council and a possible referral thereon to the Secretary of State.

The Over 50s Forum has organised a Petition which calls for the London Borough of Enfield to ban spitting in public places and impose fines where applicable. To date, 3163 signatures have been received for this petition.

RECEIVED the following comments from Mr Monty Meth (representative of Over 50s Forum:

1. Mr Meth initially thanked all the Councillors for their time in hearing the Petition and democratically allowing this facility to be available to the residents of Enfield. Mr Meth also wanted to pass on his gratitude especially to Mr Mike Ahuja and Mrs Susan Payne of Corporate Scrutiny & Community Outreach team for their contributions which has helped to progress the Petition.
2. The signatures received so far have been forthcoming from Enfield's Asian community, residents and visitors of Ruth Winston House, Enfield's Leisure Centres, Libraries, Hospitals, Schools and countless other individuals. The Petition has wide support in the Borough and of the thousands that have signed it, there is an expectancy to see the 4 "C"s in action, namely: Cleanliness, Community, Citizenship and Culture. Prohibiting spitting will instil the idea that it has no part in the countries culture for years to come, albeit the footballer's trademark spitting on the field needs to be addressed as they are setting a bad example.
3. Mr Meth advised the Panel of 38 new cases of TB registered in 2011 and 95 in 2010. It is believed that the TB bacteria can be transferred through the air by spitting and therefore the act is not hygienic and in fact a despicable habit.

Therefore Mr Meth requested the Panel recommend and support his sentiments at full Council, to allow all members to become engaged in making Enfield a better place to live. Boris Johnson (Mayor of London) is also in full support.

The following comments were received from members of the Panel:

1. Cllr Toby Simon: if the Council wants to proceed a Bye Law is required.
2. Jayne Middleton- Abooye (Legal representative): An application needs to be provided to DCLG requesting the Bye-Law, with the added support of the three local MP's to build political pressure at this stage. If they accept then the Enfield Council can start the process. The Bye-Law can then be advertised for further consultations. It can then be heard at full Council and sent to the Secretary of State for approval. This process normally takes about one month at which time it will be made Law.
3. Cllr George Savva: expressed his thanks to Mr Monty Meth and also Cllr Chris Bond for their effort and work. The Petition has been met with positive reactions from everyone concerned, with the hope that this Bye Law can be enforced in line with the bans on cigarette and chewing gum on our streets.
4. Cllr Edward Smith: confirmed that all members are in agreement and support this Petition. He suggested that in order to raise the profile of this worthwhile cause, the Council make contact with Tottenham Hotspur who now have their training ground in our Borough to request that they request their players ban spitting on their football pitches in an attempt to encourage all other teams in the Country to follow suit.
5. Cllr Achilleas Georgiou: advised that he was substitute for Cllr Chris Bond and commended the recent work done on this Petition by him and also Mr Monty Meth, which has put Enfield in the forefront of the Anti-Spitting Campaign – hopefully eventually allowing the whole country to work together to achieve this worthwhile goal.
6. Cllr Terry Neville: wholeheartedly supported the Anti-Spitting Campaign. He advised that whilst in power, he had previously agreed that the Council were to join forces with the Health Authority to drive this forward and Cllr Alev Cazimoglu (Cabinet Member for Health) has confirmed that discussions are currently in progress to put this in place.
7. Mr Simon Goulden (Co-Optee): requested that the Council's Education Department and also Communications Team get involved as well as the Bye-Law being passed to increase awareness for this cause, ie, sending letters home with the children etc.

AGREED that a debate be heard at full Council on 28th March to obtain unanimous support and invite the Council to pass a resolution to endorse the request made to the DCLG to pass the recommended Bye-Law.

ACTION 1: Cllr Chris Bond to write to the three local MP's and the Mayor of London to request that they write to the DCLG in support of the application made by the Council.

ACTION 2: Invite representative from Over 50s Forum to submit the Petition to the meeting of full Council on the 28th March 2012.

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MUNICIPAL YEAR 2011/2012 REPORT NO. 227**MEETING TITLE AND DATE:**

Council – 28 March 2012

REPORT OF:

Assistant Director Human Resources

Contact officer and telephone number:

Tim Strong - 020 8379 4141

Email: Timothy.Strong@enfield.gov.uk**Agenda – Part: 1****Item: 8****Subject:****Adoption of a Statutory Pay Policy Statement****Cabinet Members Consulted:**

Cllr Andrew Stafford

1. EXECUTIVE SUMMARY

The Localism Act 2011 requires all Council's to adopt a Pay Policy Statement before 1 April 2012. This report proposes the adoption of such a policy.

2. RECOMMENDATIONS

The Council adopts the Statutory Pay Policy Statement attached as the Appendix to this report.

3. BACKGROUND

- 3.1 Sections 38 to 43 of The Localism Act 2011 require all Councils to formally adopt a pay policy statement by 31 March 2012. The Act requires that a policy statement is adopted annually by a vote of the Council and once adopted, can only be varied by a vote of the Council. The Act is prescriptive as to the issues that have to be covered by the pay policy statement and statutory guidance as to the interpretation of the relevant parts set out in the Act, was issued by the Government in mid February.
- 3.2 In broad terms, the Act requires that the Statutory Pay Policy Statement includes:-
- A local authority's policy on the level and elements of remuneration for each chief officer

BACKGROUND Cont:

- A local authority's policy on the remuneration of its lowest paid employees (together with its definition of 'lowest paid employees' and its reasons for adopting that definition)
- A local authority's policy on the relationship between the remuneration of its chief officers and other officers
- A local authority's policy on other specific aspects of chief officers' remuneration; remuneration on recruitment, increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

The pay and remuneration of schools based staff is not covered by the Act.

- 3.3 Given the very short period of time since the publication of the Statutory Guidance and the recent announcement by the Local Government Association that there would be no increase in national pay rates in 2012/13, the primary objective of this policy statement, which has been drawn up in consultation with the Remuneration Sub-Committee has been to collate and codify the Council's current policies and practices in order to meet the statutory requirement rather than to propose any changes.
- 3.4 The proposed Pay Policy Statement is attached as the Appendix to this report.
- 3.5 The adoption and publication of the Statutory Pay Policy Statement, in conjunction with the requirements of the Government's Code of Recommended Practice for Local Authorities on Data Transparency, is designed to ensure that communities have access to the information they need to determine whether remuneration, particularly senior remuneration is appropriate and commensurate with roles and responsibilities. The publication of the Pay Policy and relevant data will also ensure that the pay and reward of the most senior staff is set clearly within the context of the remuneration of the wider non schools workforce.
- 3.6 The requirements of the Data Transparency Code have the potential to increase the administrative burden on the Council at a time when significant efforts are being made to focus expenditure on the provision of front line services. Officers are currently exploring the most cost effective way of ensuring the timely provision and maintenance of the data as required under the Code.

4. ALTERNATIVE OPTIONS CONSIDERED

The production and adoption of a Statutory Pay Policy Statement before 1 April 2012 is a statutory requirement.

5. REASONS FOR RECOMMENDATIONS

To meet a statutory requirement

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES & CUSTOMER SERVICES

6.1. Financial Implications

No financial implications arise from the adoption of the proposed Pay Policy Statement.

6.2 Legal Implications

6.2.1 The council is required under sections 38-43 of the Localism Act 2011 to adopt a pay policy statement for every financial year, with the first one to be adopted by 31 March 2012. The pay policy statement must be adopted by full council, and can only be varied by full council. Once it has been adopted, all determinations on pay, conditions and remuneration of chief officers (the chief executive, directors and assistant directors) for that year must be in accordance with the policy.

6.2.2 The Secretary of State has issued statutory guidance on pay policy statements. Statutory guidance does not have the force of law, but the council is required to have regard to it. One area where it is proposed not to follow the guidance is in relation to the suggestion that full council should have the opportunity to vote before large salary packages are offered in respect of new appointments at or above the £100,000 threshold. The council is entitled to reach its own view on this matter, for example if it is satisfied that existing arrangements allow for sufficient oversight, provided that it takes account of the Secretary of State's guidance in doing so.

6.2.3 The Code of Recommended Practice for Local Authorities on Data Transparency ("the Code") was made in September 2011 under s.2 of the Local Government, Planning and Land Act 1980. The Code is not legally binding as it currently stands; as the name suggests, it is "recommended practice" only. However, the Secretary of State could in the future make its requirements binding by means of regulations under s.3.

7. IMPACT ON COUNCIL PRIORITIES

7.1 Fairness for All

The annual adoption of a Pay Policy Statement will afford the Council a regular opportunity to ensure that the remuneration of senior managers remain commensurate with the responsibilities of the roles relative to the pay of the Council's overall workforce.

7.2 Growth and Sustainability

The Pay Policy Statement will afford Members and the public the opportunity to ensure that the reward of senior managers reflects their contributions towards achieving the Council's aims and objectives.

7.3 Strong Communities

The publication of the remuneration details of senior managers will ensure that the local community has access to the information needed to hold senior managers to account for the realisation of the Council's vision.

7.4 Equalities Impact Assessment

The production of a statutory pay policy statement is a legislative requirement which will only impact on a very small number of senior staff.

8. HEALTH AND SAFETY IMPLICATIONS

None

Background Papers

None

The Council's Statutory Pay Policy 2012/13

1. Enfield Council is a large and diverse organisation providing a range of statutory and other services to a local community with a population of c300,000. It is responsible for managing a combined annual capital and revenue spend of c£1.1 bn. To ensure such a large and complex organisation is effectively led and efficiently managed, the Council needs to be able to attract and retain a range of high calibre and skilled managers and leaders. In a competitive job market, the value and composition of the remuneration package offered to senior managers i.e. Assistant Director and above is a key factor enabling the Council to attract, recruit, motivate and retain staff with the skills sets required to deliver the Council's vision objectives and aspirations, which in turn, have a significant impact on the lives of local residents.
2. This statement has been drawn up primarily to meet the requirements of Section 38(1) of the Localism Act 2011. The full details of the remuneration of both senior managers and other groups of staff employed by the Council will be published on the Council's website as required by the Code of Recommended Practice for Local Authorities on Data Transparency. The details of the remuneration received by individual senior managers in each financial year will be published in the annual statement of accounts.
3. **Pay Provisions**
 - 3.1 The implementation of the Council's pay and remuneration strategy for senior managers is overseen by the Remuneration Sub-Committee of the Council's Audit Committee.
 - 3.2 The key features of the Council's remuneration package for senior managers include
 - 3.2.1 a competitive salary structure that is aligned with benefits packages offered by other benchmark public sector organisations providing a similar range of services i.e. primarily other London boroughs;
 - 3.2.2 a pay structure where progression through the appropriate pay range is directly related to a senior manager's performance against the range of objectives set annually in consultation with Members. Under the terms of the Council's performance related pay scheme, originally agreed by Cabinet in 2006, pay progression through the top 10% of each salary range is not consolidated (i.e. is at risk) and consequently, the pay of individual senior managers can and does go down should performance levels fall and agreed objectives not met. The Council believes that adopting this approach promotes, recognises and rewards the high levels of performance that are expected within a delivery orientated organisation culture. This model of pay progression was extended to apply to all posts at middle management and above in 2010. Full details of the Council's performance related pay ranges are

published on the Council's website as are details of how the performance related pay progression operates. The operation of the performance related pay scheme is rigorously moderated and subject to independent audit. In 2011, this audit was undertaken by PricewaterhouseCoopers. The implementation of the performance related pay scheme for senior managers at Assistant Director level and above is overseen by the Remuneration Sub-Committee.

- 3.3 To further support the Council's aim of developing and embedding a delivery orientated organisation culture, the Council will take every opportunity to link progression through relevant pay ranges to the performance of individual members of staff.
- 3.4 As part of its commitment to ensuring equal value in pay matters, the Council determines the relative grades of the vast majority of jobs in the organisation through the application of recognised analytical job evaluation schemes. For the majority of staff, the job evaluation scheme used is that developed by the Greater London Provincial Council published in 2000. For middle and senior management jobs, the Hay Job Evaluation Scheme developed by Hay Management Consultants is used.
- 3.5 The Council determined the pay ranges for Heads of Service, Assistant Directors, Directors and the Chief Executive in 2006, with advice from Hay Management Consultants, using benchmarking data drawn from the Chief Officers Pay and Benefits Survey independently compiled by London Councils. The Council's middle and senior managers' pay ranges have a spread of 25 percentage points i.e. difference between the lowest and highest salary levels in the pay range. In the lower part of each salary range, i.e. points 1-16, performance related salary progression is consolidated i.e. once that level of salary is attained, it will be retained in future years, regardless of performance, while in the upper part of each salary range i.e. points 17-25, pay progression is not consolidated and can go up or down in line with recorded performance levels in the previous performance year. This model of performance pay being 'at risk' reflects that envisaged in the report to the Government on Fair Pay in the Public Sector published in 2011. In all, the Council has seven such performance related salary ranges covering 450 posts with salary ranges starting at or above £35,016.
- 3.6 The pay ranges for middle and senior managers are increased in line with National Pay Agreements determined by the Joint National Council (JNC) for Chief Officers. The last increase in JNC pay rates was effective from April 2008. Currently,
 - 3.6.1 the salary range for the Chief Executive is £161,097 - £189,528 (consolidated) through to £208,479 (non consolidated);
 - 3.6.2 the salary range for the Directors of Schools & Children's Services, Environment, Finance & Corporate Resources, Health, Housing & Adult Social Care and Regeneration, Leisure & Culture is

£116,352 - £136,884 (consolidated) through to £150,570 (non consolidated);

- 3.6.3 the actual levels of pay received by the Chief Executive and each Director are published annually in the Council's statement of accounts;
 - 3.6.4 the salary range for all Assistant Directors in £78,762 - £92,661 (consolidated) through to £101,925 (non consolidated);
 - 3.6.5 the contracts of employment of all senior managers only allow them to undertake additional duties and responsibilities with the recorded agreement of the Leader of the Council, in the case of the Chief Executive and the Chief Executive in the case of a Director or Assistant Director. Where these additional duties attract the payment of a fee, the Remuneration Sub-Committee will determine the proportion of that fee that is received by the individual senior manager and that received by the Council. In the specific case of fees for local and other election duties, the Council allows any fees received to be retained by the Chief Officers' fulfilling these roles.
- 3.7 The Council has the discretion to exceptionally make additional one off payments to staff at any level, including senior staff, in recognition of work undertaken in addition to that of their substantive role. Any such additional payments will be authorised by the Chief Executive, in the case of a payment being made to a Director or an Assistant Director and the Leader of the Council, in the case of discretionary payment being made to the Chief Executive. An objective justification for each such payment will be recorded on the employee's file. Any such additional payments made will be reflected in the relevant statements of earnings published in the annual statement of accounts. The Council has no provision to make a bonus payment to any member of staff.
- 3.8 The pay rates of other staff in the Council are based on a pay spine negotiated by the National Joint Council (NJC) for Local Government Services and supplemented to reflect regional differences arising from agreements made by the Greater London Provincial Council (GLPC). The last increase in the NJC pay spine was effective from April 2009. Typically, the pay range for each grade comprises four incremental pay points with staff progressing to the next pay point after specified periods of time in the post. Each grade pay range has a spread of c10% with each incremental step equating to c2½% increase in pay. All pay progression through the grade range is consolidated. The Council currently operates a performance related pay scheme for staff who work in the Customer Service Centre.
- 3.8.1 The Council will consider paying an appropriate market supplement, in addition to the job evaluated grade range where it can be objectively demonstrated that the Council is experiencing difficulties in recruiting and retaining suitably skilled and qualified

staff to provide safe, efficient and effective high quality services and that the level of pay offered is the primary reason for this.

3.9 Pay on appointment

- 3.9.1 Under the terms of the Council's Constitution, all permanent appointments to posts graded Assistant Director, Director and Chief Executive are made by the Appointments' Panel. As progression through the relevant salary range is determined by performance, staff will normally be appointed at the minimum point of the grade unless there is an objectively justifiable reason for appointing to a higher salary and this is a) recorded and b) approved by the chair of the Appointments' Panel that made the appointment and c) reported to the next Council in the case of the appointment of a Director. (Note the Council's Constitution already requires the appointment of the Chief Executive to be ratified by the full Council). The composition of the Appointments' Panel for appointments to posts at Assistant Director, Director and Chief Executive is set out in the Council's Constitution.
- 3.9.2 Appointments to posts at all other levels in the Council will be made at the minimum point of the relevant grade unless agreed by the Assistant Director of Human Resources or as specified in the approved scheme of delegation. Where appointments are made to salary levels above the minimum of the scale, the objectively justifiable reasons for this will be recorded on the relevant personnel file. The Council does not make any additional payments to prospective senior managers to encourage them to join the Council's workforce. Relocation expenses can be paid in approved cases where these are agreed by the Chair of Appointments' Panel that made the appointment.
- 3.9.3 From time to time, to meet unforeseen temporary business needs, it may be necessary for the Council to engage specialists contractors/agency workers to cover elements of the roles of senior manager posts. In such cases, the engagement of such workers and the rates of payment and conditions of engagement will be approved by the Cabinet Member for Finance & Corporate Resources which will not necessarily be in line with the Council's general terms and conditions for staff engaged under a permanent contract of employment.
- 3.9.4 The Council would not normally consider appointing a person to a permanent senior management post other than under a normal employment contract.

3.10 Low pay

In March 2011, the Cabinet determined that irrespective of the grade of a job as determined by the application of an analytical job evaluation process, the minimum level of pay received by any employee would be the

level of the London Living Wage as set/amended from time to time by the Greater London Authority. The Council will determine the lowest paid by reference to the contractual hourly rate of pay of the employee. For these purposes Apprentices are considered to be engaged under training rather than employment contracts. The London Living Wage is currently £8.30 per hour i.e. £15,580 per annum for a full time worker (i.e. working 36 hours per week). Where appropriate, basic levels of pay that are below the GLPC pay spine point 8 or equivalent on 1.2.12 are enhanced by the payment of a pay appropriate supplement to ensure that every member of staff receives a level of pay is equivalent to the level of the London Living Wage. GLPC pay spine point 8 is currently the first point in the GLPC pay spine that is above the current level of the London Living Wage. The pay spine point below which supplements are paid will vary in line with increases in the London Living Wage. Any subsequent increase in the London Living Wage will be implemented within six months of the increase in the level of London Living Wage being announced. The Council staff will not adjust the basic wage levels of staff already in receipt of pay levels that are above the London Living Wage for the purpose of maintaining grade/pay differentials. An explanation of the Council's reasons for adopting the London Living Wage as the low pay benchmark are set out in report 207 considered by the Cabinet on 9 March 2011.

3.11 Working hours

3.11.1 Middle and senior managers in the Council do not have a specified working week and are required to work the hours necessary for the effective performance of their duties. It is not unusual for senior managers in the organisation i.e. Assistant Directors, Directors and Chief Executive to regularly work up to 60 hours per week without any compensatory time off or additional payments being made.

3.11.2 Staff other than middle and senior managers work a basic 36 hour week and are entitled to time off in lieu or additional payments in respect of any hours worked in excess of an average of 36 hours per week calculated over specified periods. Enhanced payments are made to staff who are contractually required to work at night, at weekends and on bank holidays.

3.12 Other non pay benefits

3.12.1 Holiday entitlement

In addition to paid time off in respect of public/bank holidays, the paid annual leave entitlement for all staff is set out in the following table:-

Directors and Assistant Directors	Completed Years of Continuous Service as at 31 March	
	0 - 4 years	5 + years
Chief Executive & Directors	32 days	35 days

Assistant Directors	29 days	32 days
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Other Staff	Completed Years of Continuous Service as at 31 March	
Grade and pay spine	0 - 4 years	5 + years
Up to and including Scale 4 (scp 1-21)	24 days	29 days
Scales 5-6 (scp 22-28)	25 days	30 days
SO1 to PO2 (from scp 29)	26 days	31 days
MM1 to HOS2	29 days	31 days

3.12.2 Sick pay

While unable to work because of illness, staff at all levels receive

During 1 st year of service	1 month's full pay and (after completing 4 months service) 2 months half pay
During 2 nd year of service	2 months full pay and 2 months half pay
During 3 rd year of service	4 months full pay and 4 months half pay
During 4 th and 5 th year of service	5 months full pay and 5 months half pay
After 5 years service	6 months full pay and 6 months half pay

This provision mirrors the national terms and conditions for local authorities' staff.

3.13 Other general terms and conditions of service

Other general terms and conditions of service for senior staff are as determined by the Joint National Council for Chief Officers and for other staff by the National Joint Council for Local Government Services.

3.14 Termination payments

In 2010, the Cabinet adopted a revised policy in respect of the level of discretionary payments made to staff who were made redundant. Under the terms of this policy, which applies to staff at all levels including senior managers, on being made redundant, staff who are immediately able to access their occupational pension payments will receive a redundancy

payment which is calculated using the statutory table for the calculation of redundancy payments with the payment being based on an actual week's pay i.e. salary ÷ 52.14 weeks, rather than a statutory week's pay. In all cases of redundancy of staff at all levels the Council automatically waives any actuarial reduction in pension payments that would otherwise arise. Staff who are not able to access an occupational pension for any reason receive a supplementary additional discretionary payment calculated on half a week's actual pay for every year of local government service.

- 3.15 The Council's flexible retirement policy, adopted in 2011, enables eligible staff to receive their occupational pension and continue working, for a maximum period of up to two years, provided they either reduce their contractual hours by at least 50% or reduce the grade of their job by two grades.
- 3.16 The Council has no provision to make any other termination payments to staff at any level in the organisation other than in settlement of a potential or actual legal claim against the Council. Any such payment to a senior member of staff would be agreed by the Chief Executive or appropriate Director, in consultation with the Leader of the Council, under the terms of an appropriate Compromise Agreement following receipt of written legal advice.
- 3.17 On 21 March 2012, the Cabinet will consider adopting a severance policy under which staff at all levels in the Council could be allowed to leave the Council's employment with a discretionary severance payment. Details of this scheme are set out in the relevant Cabinet report.
- 3.18 As a matter of principle, the Council expects all staff to work any contractual periods of notice unless it is considered this would not be in the best interests of the Council. In such cases, payment in lieu of any outstanding contractual notice period would be offered to the employee concerned. The making of any payment in lieu of notice for staff up to and including level of Assistant Director would be approved by the appropriate line Director, for Directors by the Chief Executive, in consultation with the Leader of the Council and for the Chief Executive by the Leader of the Council. Reasons for making payment in lieu will be recorded on the employee's personnel file.
- 3.19 The Council has the discretion to agree the early retirement of a member of staff aged 55 to 60, where this is in the best interests of the efficiency of the service. In such cases, the Council considers each case on its merit and in the light of this determines a) whether to agree the request and b) where applicable, whether to waive any actuarial reduction that may arise. No staff were retired early in the interests of the efficiency of the service in either 2010/11 or 2011/12.
 - 3.19.1 While under the specific circumstances set out in this statement, the Council may waive the actuarial reduction that would otherwise arise as a consequence of the early payment of an employee's

occupational pension; the Council does not enhance the pension provision of any staff.

- 3.19.2 The Council would not normally consider re-engaging in any capacity any senior member of staff who had left the Council with a discretionary compensatory payment within two years of his/her recorded last day of service. Any proposal to do so would be subject to the agreement of an appropriately constituted Appointments' Panel.

3.20 Retirement on medical grounds

Decisions to retire staff on grounds of permanent ill health are medical decisions over which the Council has no influence or discretion. In such cases, the Council will meet any additional costs that arise as specified in Regulation 20 of the Local Government Pension Scheme Regulations. No staff have been retired on grounds of permanent ill health in either 2010/11 or 2011/12.

3.21 Other payment/reimbursement of expenses/accommodation costs

- 3.21.1 Middle and senior managers engaged on grades MM2 and above are not reimbursed for any additional expenses incurred in the course of carrying out their duties within the borough boundaries. Reimbursement of actual costs incurred is made in respect of additional costs incurred in travelling outside the borough on production of an appropriate receipt. Where Council business necessitates an overnight stay and it has not been possible for the Council to directly pay for accommodation and/or meals in advance, all staff including senior managers are reimbursed all reasonable costs as set out in the Council's policy on subsistence allowances and overnight stays as approved by the appropriate Director for Assistant Directors, the Chief Executive for Directors and the Leader of the Council for the Chief Executive. No senior managers were reimbursed for overnight expenses in the current financial year 2011/12.

- 3.21.2 All other staff are reimbursed for additional expenses incurred in the course of undertaking their duties irrespective as to whether this work is undertaken within or outside the borough boundaries. Reimbursements of expenses for other staff are authorised in accordance with the Council's Scheme of Delegation.

3.22 Occupational pension provisions

- 3.22.1 All staff are eligible to join the Local Government Pension Scheme. Approximately 54% of the workforce are currently members of the Pension Scheme. The level of contributions made by staff is determined by Regulations. In addition, the Council makes a contribution to the Local Government Pension Scheme in respect of each member of staff who is a member of the scheme.

3.22.2 The level of pension contribution made by the Council is based on actuarial calculations approved by the Council's Pension Board from time to time.

3.22.3 In the light of recent changes in general taxation legislation and particularly in respect of the annual and lifetime pension allowances, there is an increasing likelihood that in the medium term, a number of senior managers will choose to cease to be members of the Local Government Pension Scheme. In such cases, the Council would not make any compensatory payment to a senior manager to maintain the overall value of the individual's remuneration package.

3.23 Relationship between the remuneration of the Chief Executive and that of the overall workforce

3.23.1 Section 38(2) of the Localism Act 2011 requires the Council to set out policies on the relationship between the remuneration of its chief officers and that of other staff. The Code of Recommended Practice for Local Authorities on Data Transparency defines the "pay multiple as the ratio between the highest paid salary and the median average salary of the whole of the authorities' workforce".

3.23.2 The report on Fair Pay in the Public Sector highlights that in general terms, the multiple indicating the relationship between the pay of the Chief Executive and the pay of the general workforce in a local authority is significantly lower than for organisations of similar size, turnover and complexity in the private sector. The report indicates that typically the pay of the Chief Executive of a London Borough is approximately eight times that of the median pay of all staff (chart 2A, page 33, Fair Pay in the Public Sector). In 2010/11, the gross pay of the Chief Executive was 7.4 times the median pay for the whole of the Council's non schools workforce. For the past two years, the Chief Executive has declined to accept his contractual entitlement to a performance related increase in salary up to 10%. Consequently, the level of the multiple could change in the event that the Chief Executive opted to accept any entitlement to a non consolidated performance related payment that might arise in future years. The multiple for 2011/12 will be published in the annual accounts.

3.23.3 To ensure the Council continues to offer a competitive remuneration package to staff at all levels in the organisation, the Council periodically undertakes a benchmarking exercise to ensure that potential pay levels remain aligned with the median pay of other London Boroughs

3.24 Shared services

Where the Council agrees to share the services of a senior manager with one or more other councils, then the remuneration and terms of conditions of employment will be determined by the primary employer with the secondary employer reimbursing the primary employer an agreed sum.

MUNICIPAL YEAR 2011/12 REPORT NO.

MEETING TITLE AND DATE:
Council 28th March 2012

REPORT OF:
Director - Environment

Contact officer and telephone number:
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Agenda – Part: 1	Item:
Subject: Proposals for the Adoption of Licensing Policies in Relation to Cumulative Impact, Sexual Entertainment Venues and the Olympics & Paralympic Games.	
Wards: All	
Cabinet Member consulted: Cllr. Chris Bond	

1. EXECUTIVE SUMMARY

- 1.1 This report sets out three proposals for the adoption of new licensing policies in relation to the cumulative impact of licensed premises, to restrict licensed premises from holding live displays or performances involving nudity and licensed events during the periods of the Olympic and Paralympic Games. These policies follow a public consultation exercise between October 2011 and January 2012.
- 1.2 These recommendations were considered by the Council's Licensing Committee on 23rd January 2012 and this report recommends adoption of these 3 licensing proposals by Council.

2. RECOMMENDATIONS

- 2.1 To adopt a Cumulative Impact Policy within the Licensing Policy Statement (under the Licensing Act 2003) as attached as Annex 1.
- 2.2 To refuse to adopt the Sexual Entertainment Venues provisions (under the Policing and Crime Act 2009) as attached as Annex 2.
- 2.3 To adopt an Olympics & Paralympics Policy within the Licensing Policy Statement (under the Licensing Act 2003) as attached as Annex 3.

3. BACKGROUND

- 3.1 The Licensing Act 2003 creates a statutory obligation for the Council to review its Licensing Policy every three years.
- 3.2 The current Licensing Policy was last approved by Council on 26th January 2010.
- 3.3 The Council's Licensing Policy relates to all licensing activities falling within the provisions of the Licensing Act 2003 and include the supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
- 3.4 The Council, in carrying out its licensing functions under the Licensing Act 2003, is required to promote four key objectives. These are
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

4. Cumulative Impact Policy

- 4.1 The Home Secretary (in her statutory guidance) confirms that :
 - 4.1.1 'The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Council to consider in developing its licensing policy.'
 - 4.1.2 'In some areas, where the number, type and density of licensed premises is unusual, serious problems of nuisance and disorder may be arising outside or some distance from premises. It is possible that the impact on surrounding areas of behaviour of the customers of all licensed premises taken together will still be greater than the impact of customers of individual premises.'
 - 4.1.3 'The effect of adopting a special policy is to create a rebuttable presumption that applications, that are likely to add to the existing cumulative impact, will normally be refused unless the applicant can demonstrate that there will be no negative impact.'
- 4.2 The Council's Community Safety Service, in partnership with the Metropolitan Police Service, identified concern about crime & disorder and public nuisance in Enfield Town, Southgate and the Fore Street/Hertford Road corridor.
- 4.3 With the agreement of the Cabinet Member (on 28th February 2011) and the Licensing Committee (on 3rd March 2011) a consultant was commissioned (fully funded from the Local Area Agreement) to consider whether there was good evidence that crime & disorder and/or nuisance is happening and is caused by customers of licensed premises in those areas.
- 4.4 The consultant considered that there was good evidence of alcohol-related problems, and identified the boundaries of these areas, the problems that are occurring and drafted a water-tight cumulative impact policy for public consultation.

- 4.5 Between 12 October 2011 and 13 January 2012 the Council carried out a borough-wide public consultation in respect of 3 licensing proposals.
- 4.6 A conclusion of the public consultation provided evidence to recommend a Cumulative Impact Policy. The Council is recommended to introduce a Cumulative Impact Policy in the areas of Edmonton, Enfield Highway, Enfield Town and Southgate. In these areas, applications for new licences or for variations of existing licences, for alcohol and/or entertainment and/or hot food take-aways will be granted up to a closing time of 11pm. Licences for closing times after 11pm will usually be refused. Existing licences will not be affected by this policy.
- 4.7 Attached as Annex 1 is the proposal in detail.

5. Sexual Entertainment Venues

- 5.1 Council is recommended to refuse to adopt legislation in respect of Sexual Entertainment Venues. This legislation was introduced in section 27 of the Policing and Crime Act 2009, which amends schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, brought in to regulate lap dancing and other sexual entertainment venues. By not adopting this legislation businesses will be prevented from being granted an automatic right to provide 'live displays or performances involving nudity' on up to 11 separate occasions a year without a licence.
- 5.2 Attached as Annex 2 is the proposal in detail.

6. Olympics & Paralympics.

- 6.1 Council is recommended to introduce a policy to cover licensable events that may take place during the Olympic and Paralympic Games between June and September 2012.
- 6.2 Attached as Annex 3 is the proposal in detail.

7. Summary of Consultation

- 7.1 Consultation letters/e-mails were sent to 995 recipients, including 828 Licensed Premises, 96 Residents Associations, all 63 Councillors and 8 Responsible Authorities, as defined in the Licensing Act 2003.
- 7.2 A total of 8 responses to the consultation were received, the majority being supportive of the three licensing proposals. A table of the responses received is attached as Annex 4.
- 7.3 Four comments were received in respect of the three licensing proposals. However, none of these comments have any policy or legal implications in respect of the three licensing proposals.
- 7.4 A list of the comments received, and the notes thereon, is attached as Annex 5.

- 7.5 On 23rd January 2012 the Licensing Committee considered the responses to the public consultation and resolved to recommend to Council the adoption of the 3 licensing proposals, without amendment.

8. ALTERNATIVE OPTIONS CONSIDERED

The option of leaving the existing Licensing Policy unchanged was considered, but discounted on the basis that it would restrict the Council from promoting its Licensing Objectives effectively and create potential conflict between local, regional and national events during the period of the Olympic and Paralympic Games.

9. REASONS FOR RECOMMENDATIONS

To ensure that the Council is able to discharge its statutory obligations and promote its four licensing objectives.

10. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES, AND OTHER DEPARTMENTS

10.1 Financial Implications

Formal adoption of the Licensing Policies detailed in this report should have no financial implications to the Council other than officers' time in matters of administration and enforcement, which will be met from within existing resources.

10.2 Legal Implications

10.2.1 The council has the power to adopt the Cumulative Impact and Olympics & Paralympics policies within the Licensing Policy Statement under the Licensing Act 2003 and supporting legislation and to refuse to adopt the Sexual Entertainment Venues provisions under the Policing and Crime Act 2009.

10.2.2 Although if there were any doubt about the power to adopt these policies, the Localism Act 2011 (Commencement No. 3) Order 2012 (*SI 2012/411*) brought the general power of competence into force for principal local authorities. The introduction of the general power of competence means that the well-being power no longer applies to English Local Authorities and as such the general power of competence will provide the Council with the power to adopt the 2 policies and to refuse to adopt the Sexual Entertainment Venues provisions outlined within this report.

10.2.3 The general power of competence is set out in s. 1.1 of the Localism Act 2011 and states that "a local authority has power to do anything that individuals generally may do." Ss (2) states that "Subsection (1) applies to things that an individual may do even though they are in nature, extent or otherwise— (a) unlike anything the authority may do apart from subsection (1), or (b) unlike anything that other public bodies may do." Where the authority can do something under the power, the starting point is that there are to be no limits as to how the power can be exercised. For example, the power does not need to be exercised for the benefit of any particular place or group, and can be exercised anywhere and in any way. Section 2

sets out the boundaries of the general power, requiring local authorities to act in accordance with statutory limitations or restrictions

11. KEY RISKS

- 11.1 The Council is at risk of public challenge if it does not promote its licensing objectives.
- 11.2 The Cumulative Impact Policy reduces risk around four key objectives and also tackles the risk of cumulative impact in identified areas.
- 11.3 By not adopting section 27 of the Policing and Crime Act 2009 the Council will be able to continue to exercise control over sexual entertainment venues.
- 11.4 A policy to cover licensable events that may take place during the Olympic and Paralympic Games should help mitigate risks during the Games when resources of the police, transport, and emergency services will be stretched.

12. IMPACT ON COUNCIL PRIORITIES

12.1 Fairness for All

This report ensures that the Council's Licensing Policy meets its statutory obligations and is able to prevent licensable activity that is not in the public interest and to reduce crime and antisocial behaviour arising from concentrations of licensed premises operating in areas affected by such disorder.

12.2 Growth and Sustainability

These recommendations do not restrict growth and by reducing crime and disorder will promote sustainable business.

12.3 Strong Communities

The recommendations in this report fully support this Council priority.

13. EQUALITY IMPACT ASSESSMENT

- 13.1 A predictive equalities impact assessment has been completed for the introduction of these new licensing policies.
- 13.2 The main finding of the assessment was that these policies will have no adverse/specific impact on different disadvantaged groups in the community or on staff.

14. PERFORMANCE MANAGEMENT IMPLICATIONS

The effectiveness of these policies will be assessed through the Council's performance at reducing crime and antisocial behaviour associated with licensed premises and in particular the public perception of people being drunk or rowdy in

public spaces, measured by the Residents Survey. The Council will next review it's Licensing Policy before 26th January 2013.

15. Health and Safety Implications

Non applicable to this report

Background Papers

Predictive Equality Impact Assessment - 24 February 2012.

ANNEX 1

Licensing Act 2003 – Licensing Policy Statement

Section 14 - Cumulative Impact Policy

Introduction

- 14.1 The Guidance issued under section 182 of the Licensing Act 2003 provides that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 14.2 The steps to be followed in considering whether to adopt a special policy relating to cumulative impact within the council's statement of licensing policy are as follows:
- 14.2.1 Identify concern about crime and disorder or public nuisance.
- 14.2.2 Consider whether there is good evidence that crime and disorder or nuisance is happening and is caused by the customers of licensed premises or, that the risk of cumulative impact is imminent.
- 14.2.3 Identify the boundaries of the area where problems are occurring.
- 14.2.4 Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation.
- 14.2.5 Include and publish details of the cumulative impact within the licensing policy statement.
- 14.3 The effect of adopting a cumulative impact is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Identifying Concern about Crime and Disorder or Public Nuisance

- 14.4 In 2009 the Council's Community Safety Service, in partnership with the Metropolitan Police, identified two areas where there was a positive correlation between the concentrations of licensed premises and the levels of anti social behaviour and crimes of violence against the person. After due consideration, it was not considered appropriate at that time to adopt those areas as being subject to cumulative impact within the council's licensing policy.
- 14.5 Further work by the Community Safety partnership and the police has now led to the conclusion that the cumulative impact of a concentration of licensed premises in four areas of Enfield is undermining the promotion of the licensing objectives in those areas.
- 14.6 Police statistics are known to underestimate the numbers of alcohol related crime because of the high level of under reporting. Government estimates suggest that

almost a half of all violent crime is alcohol related. But nationally the burden of alcohol related crime goes much wider than that, because alcohol related crime and drunken offenders place a huge burden on the police and other public services :

- 14.6.1 from approximately 10.30pm to 3.00am the majority of arrests are for alcohol-related offences
- 14.6.2 there is the potential for routine incidents of public nuisance to escalate to more serious, especially violent, offences
- 14.6.3 dealing with intoxicated offenders can be difficult and time consuming. For example, they may have to be kept in cells long enough to sober up; while they are there the police have a duty of care and have to ensure the offender does not come to harm by choking on their own vomit. The offender may have to be checked every 15 minutes. Medical attention may be necessary. Female offenders need female police officers to attend certain procedures who may have to be taken off other duties.
- 14.6.4 intoxicated prisoners can be disruptive, uncooperative and may present severe hygiene problems, urinating or defecating in their clothing during or after arrest. Police Research Series. Paper 150, Home Office 2002.

- 14.7 The Council has also taken note of the results of the 2010/11 Enfield resident's Ipsos MORI survey and in particular that, whilst 70% of residents were either very satisfied or fairly satisfied with their local area as a place to live, they also had significant concerns about crime and disorder. Of those surveyed, 64% said they thought the level of crime was one of the most important things in making somewhere a good place to live and almost 40% said the level of crime was one of the things that needed improving. Almost a third of those surveyed considered that people being drunk or rowdy in a public place was a problem.

- 14.8 All local authorities must fulfil their responsibilities under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the Licensing Act 2003. Section 17 places a duty on local authorities and the police to do all they reasonably can to prevent crime and disorder in their area.

- 14.9 The introduction to the Guidance, issued by the Secretary of State under section 182 of the Licensing Act 2003, states that the four licensing objectives are paramount considerations at all times. They are:
 - 14.9.1 The prevention of crime and disorder
 - 14.9.2 Public safety
 - 14.9.3 The prevention of public nuisance
 - 14.9.4 The protection of children from harm.

- 14.10 But the Guidance also identifies a number of other key aims and purposes which it says should be the principal aims for everyone involved in licensing work. They include: 'The necessary protection of local residents whose lives can be blighted by disturbance and anti social behaviour associated with the behaviour of some people visiting licensed premises of entertainment.' Paragraph 1.4

- 14.11 When deciding to consult on the adoption of a cumulative impact policy the Council has carefully considered the evidence presented to it by the police as regards crime and disorder, but also by the council's Environmental Health noise team officers as regards public nuisance.

Evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent

- 14.12 Recent analysis of police statistics by the Enfield Community Safety Unit has shown an increase of 23% in what they describe as 'alcohol and night time economy offences in the last 12 months. Most such offences are occurring on Friday nights into Saturday mornings and Saturday nights into Sunday mornings. Those are the times when pubs, clubs and bars are most highly populated.
- 14.13 Typically, most such offences are recorded between 12 midnight and 3am. That information has been confirmed by comparing London Ambulance data which identifies people taken to hospital who have been the victims of assault, or who are treated for problems that are alcohol related.
- 14.14 The areas that show the highest levels of such incidents, or the most significant increases are: Fore Street Upper Edmonton; Hertford Road, where although there has been a decrease in the overall levels of night time alcohol related incidents comparative levels remain high; and Enfield Town. That analysis is available as a background document because it includes some confidential information. It can be made available on request in edited form.
- 14.15 Attached to this chapter of the policy, as Appendix 1, is a table showing police data records for crime and anti social behaviour calls in Edmonton-Ponders End, Hertford Road, Enfield Town and Southgate. It displays the numbers of crimes in three categories: All Crime; Violent Crime only; and Anti Social Behaviour Calls. The first column of numbers displays the total crimes in those categories between 11am and 3pm, the second column those between 11pm and 3am and then in subsequent columns the total numbers on each day of the week.
- 14.16 The comparison between four of the busiest hours of the day, when footfall may be expected to be at its highest in a town centre, and four night time hours, which may be expected to see far fewer people on the streets because shops and offices are closed is informative because places of entertainment are the main attraction at those times.
- 14.17 As may be expected, the 'all crimes' category during the day for Edmonton – Ponders End, Enfield Town and Hertford Road show higher levels of crime than the night time period, particularly because the 'all crimes' totals include acquisitive crime. However, the 'violent crimes' only category which is so often associated with alcohol shows high levels during both periods in Edmonton – Ponders End, but a higher number of recorded incidents of violence during the night time period in each of Enfield Town, Hertford Road and Southgate, as compared to the day time.
- 14.18 For 'anti social behaviour' calls, there are a higher number of calls to the police during the night time period up to 3am in Edmonton – Ponders End, in Enfield Town and in Southgate, with a similar number during each period in Hertford Road. Police experience shows that after 10pm anti social behaviour calls are most often alcohol related.

- 14.19 The analysis of noise data in these four areas (see appendix 2 attached to this chapter of the policy) shows a clear peak for noise complaints in Hertford Road at around midnight. In Southgate the second highest peak time for noise complaints is at midnight.
- 14.20 Public nuisance caused by noise is a cause of great concern to local residents who may be trying to sleep themselves or who have young children who are woken at night by intoxicated revellers.

Identify the boundaries of the area where problems are occurring

- 14.21 Following analysis of the police data and of council records relating to public nuisance, four areas have been identified which the evidence indicates are subject to high levels of public nuisance and certain categories of crime and disorder which are connected to the concentrations of licensed premises in those areas. Those four areas are designated as: Enfield Highway, comprising Hertford Road between Ordnance Road and Tyberry Road see appendix 3; Edmonton, comprising Hertford Road and Fore Street, between Nags Head Road and the Borough boundary in the South, see appendix 4; Southgate, comprising Chase Side, Crown Lane, and parts of Burleigh Gardens, High Street, The Bourne, Winchmore Hill and Chase Road, see appendix 5; and Enfield Town comprising the area enclosed by Church Street and Cecil Road, and parts of Chase Side, Windmill Hill, Silver Street, Coleman Parade, Genotin Road and London Road, see appendix 6.

Consultation on Cumulative Impact Policies

- 14.22 In light of the concerns and evidence about alcohol related crime and disorder and public nuisance, set out above in this policy statement, the council has decided to consult those specified in section 5(3) Licensing Act 2003 about the adoption of a cumulative impact policy. They are:
- 14.22.1 the chief officer of police for the area;
 - 14.22.2 the fire authority for the area;
 - 14.22.3 persons/bodies representative of local holders of premises licences;
 - 14.22.4 persons/bodies representative of local holders of club premises certificates;
 - 14.22.5 persons/bodies representative of local holders of personal licences; and
 - 14.22.6 persons/bodies representative of businesses and residents in its area.

- 14.23 The policies which those bodies are invited to comment on are as follows:

Special Policy on Cumulative Impact

- 14.24 Applications for hours within the limits set out below (referred to as Core Hours) for premises inside the cumulative impact areas will generally be granted, subject to consideration of any representations about the way in which the application will promote the licensing objectives.
- 14.25 Any applications for later hours within the cumulative impact areas will be subject to the presumption against grant, implicit in a cumulative impact area policy.

14.26 Core Hours :

Sale/supply of alcohol (on supplies only) :

Monday to Sunday Indoors and/or outdoors 10:00 to 23:00

Sale/supply of alcohol (on supplies only) :

Subject to a condition that “alcohol shall not be supplied other than as ancillary to a substantial table meal” :

Monday to Sunday Indoors and/or outdoors 10:00 to 23:00

Monday to Sunday Indoors only 10:00 to 00:00 (midnight)

Sale/supply of alcohol (on and off supplies) :

Monday to Sunday Indoors and/or outdoors 10:00 to 23:00

Sale/supply of alcohol (off supplies only) :

Monday to Sunday Indoors and/or outdoors 08:00 to 23:00

Live music, Recorded music, Performance of dance, Facilities for making music and/or Facilities for dancing :

Monday to Sunday Indoors and/or outdoors 09:00 to 23:00

Plays, Films, Indoor sporting events and/or Boxing or wrestling entertainments :

Monday to Sunday Indoors and/or outdoors 09:00 to 23:00

Monday to Sunday Indoors only 09:00 to 00:00 (midnight)

Late night refreshment :

Monday to Sunday Indoors and/or outdoors none

Monday to Sunday Indoors only 23:00 to 00:00 (midnight)

New Years Eve : any premises or club premises that is licensed for both the on sale/supply of alcohol and for music or music and dancing may remain open and provide their licensed activities from the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

Conclusion

14.27 In developing these policies the council has given careful consideration to the whole of the Secretary of State’s Guidance. In particular, it has considered that, in some circumstances, flexible licensing hours can ensure that concentrations of customers leaving premises simultaneously are avoided, which can help to reduce the friction at late night fast food outlets, taxi ranks and bus stops which sometimes lead to friction and to crime and disorder.

14.28 It also takes note of the need to ensure a thriving and safe evening and night time economy which are important to investment and employment locally, but have to be balanced against the requirement to promote the licensing objectives. Some premises, for example restaurants where there is no ‘take away’ facility and alcohol is only provided as ancillary to substantial food provided to people seated at table, generally have a lower incidence of crime than premises selling alcohol where substantial food is not available and there is little seating.

- 14.29 The policy of the council takes account of the particular circumstances that apply in each of the designated cumulative impact areas in Enfield and the evidence that problems of crime and disorder and public nuisance are generally associated with longer and later hours. It is the view of the police nationally that longer and later hours for premises licensed to sell alcohol lead to problems later in the night and that those problems are most apparent outside the licensed premises and around fast food outlets and taxi ranks.
- 14.30 It is not the intention of the Council to impose a particular terminal hour in any area of Enfield, as urged against in the Government's Guidance. Where an application is made for later hours than the core hours, and representations are made, then such applications will always be carefully considered against the above policies and any relevant representations. The consideration of hours of operation will include the context of each application within each of the licensing objectives. For example, the hours at which noise may occur and the extent to which that may affect local resident's sleep and relaxation, will be a consideration because late night premises may have an impact on the local environment and can cause public nuisance.
- 14.31 Neither is it the intention of the Council to impose quotas, based on either the number of premises or the capacity of those premises. Quotas could indirectly have the affect of predetermining the outcome of an application. The licensing authority will consider each application with regard to the Council's policies and each application will be determined with a view to promoting the licensing objectives.
- 14.32 Shops, stores and supermarkets may apply for a premises licence to sell alcohol for consumption off the premises at times when it is open as a retail outlet for shopping, and such applications will be considered on their individual merits. Careful consideration will always be given to any representations by the police where such premises are known to be a focus of disorder and disturbance.

APPENDIX 1 - TIME COMPARISON FOR CUMULATIVE IMPACT AREAS

Total Notifiable Crime between January and December 2010										
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun	
Edmonton	599	367	361	356	382	390	397	384	270	
Enfield Highway	146	130	90	85	95	115	111	129	80	
Enfield Town	485	165	170	207	190	205	228	249	130	
Southgate		86	131	74	80	74	86	96	67	

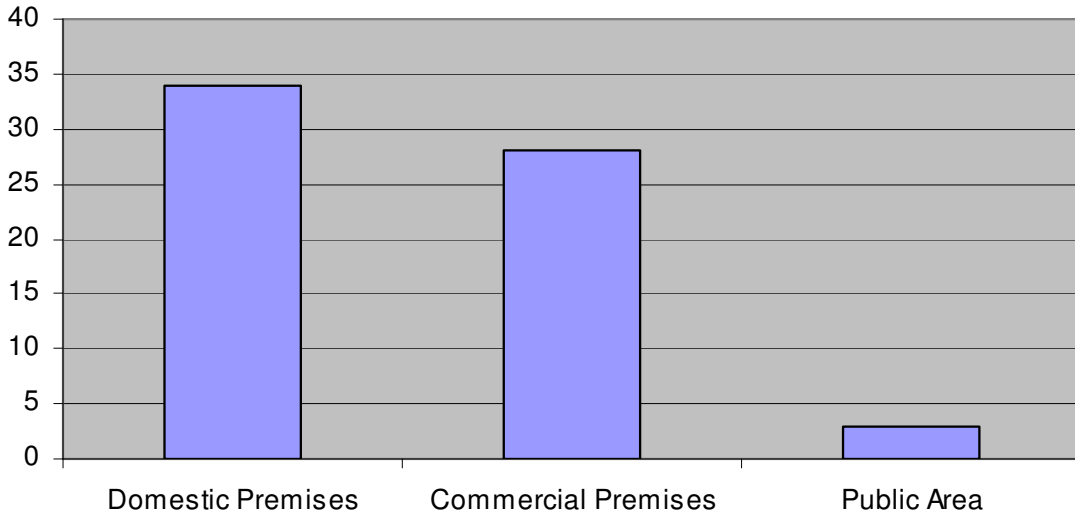
Violent Crime between January and December 2010										
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun	
Edmonton	130	98	80	94	88	77	109	112	93	
Enfield Highway	17	35	15	17	14	20	22	37	20	
Enfield Town	39	64	27	24	25	17	33	61	33	
Southgate	14	21	12	10	6	11	13	16	16	

Anti-Social Behaviour Calls between January and December 2010										
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun	
Edmonton	446	463	472	447	416	421	478	592	481	
Enfield Highway	144	130	146	134	146	159	204	182	136	
Enfield Town	157	271	128	130	156	114	192	225	153	
Southgate	57	67	57	61	74	70	51	94	62	

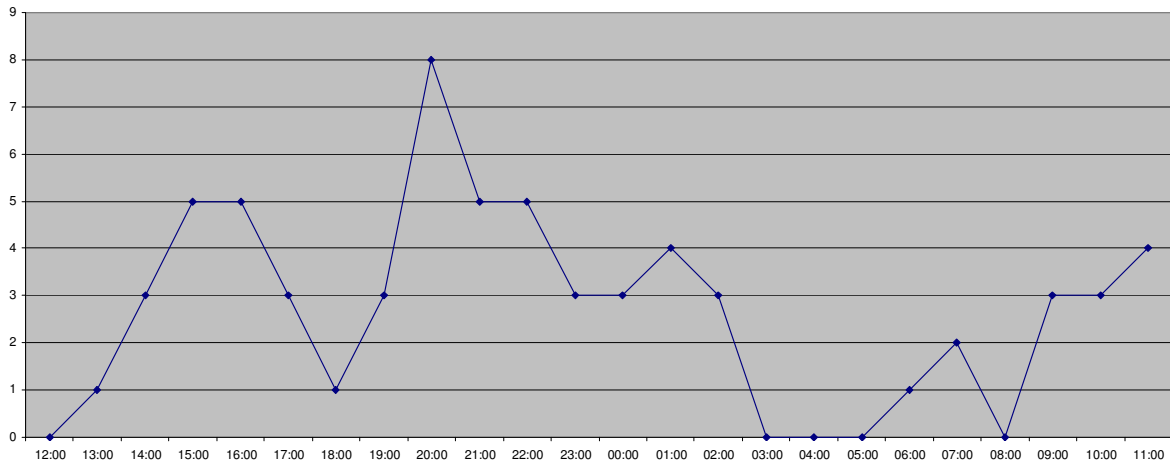
APPENDIX 2 – NOISE DATA

The following information is based on noise complaints received by Enfield Council within the 12 month period of 6th March 2010 to 6th March 2011. The information will be divided into 4 different ‘Stress Areas’ of the borough.

EDMONTON CUMULATIVE IMPACT AREA

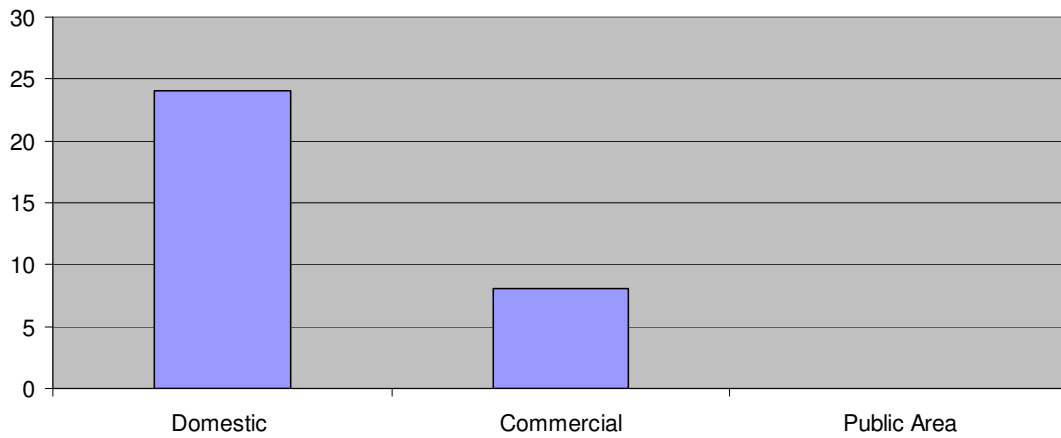


There were a total of 65 noise complaints in the Edmonton Stress Area in this period of time. 28 were complaints against commercial premises, 34 were against domestic premises and 3 were against public areas.

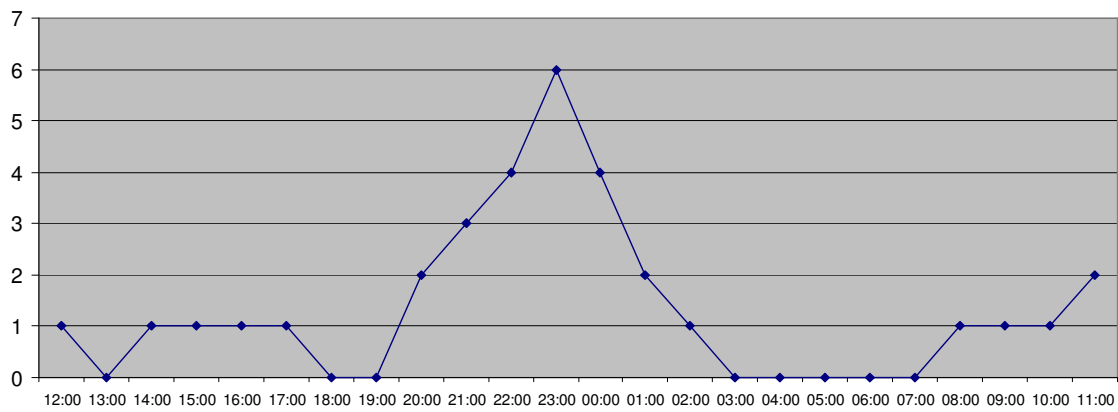


The above line graph shows the time of ALL noise reports received against every type of premises. The graph shows a surge in noise reports within the hour of 20:00 gradually decreasing until the hour of 01:00, where there is a slight increase.

ENFIELD HIGHWAY CUMULATIVE IMPACT AREA

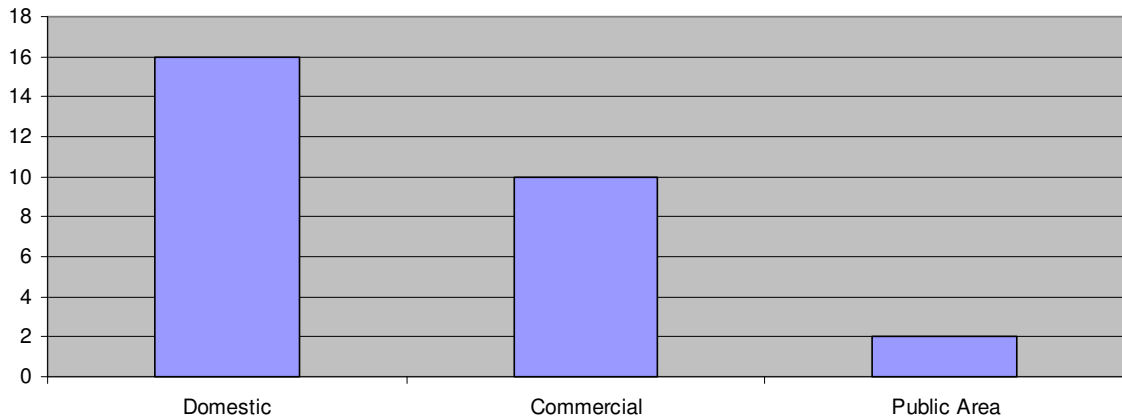


There were a total of 32 noise complaints in the Enfield Highway Stress Area in this period of time. 8 were complaints against commercial premises, 24 were against domestic premises and none were against public areas.

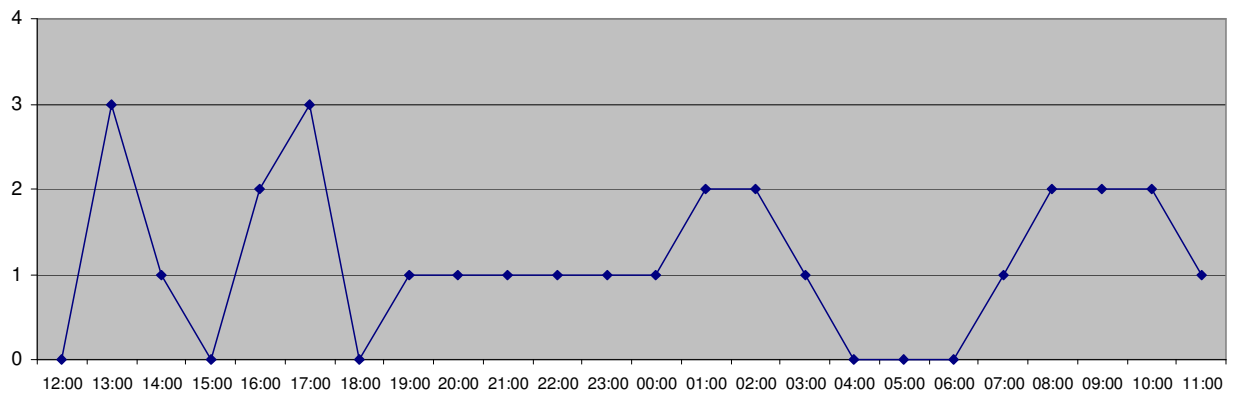


The above line graph shows the time of ALL noise reports received against every type of premises. As you can see there is a clear peak within the hour of 23:00.

ENFIELD TOWN CUMULATIVE IMPACT AREA

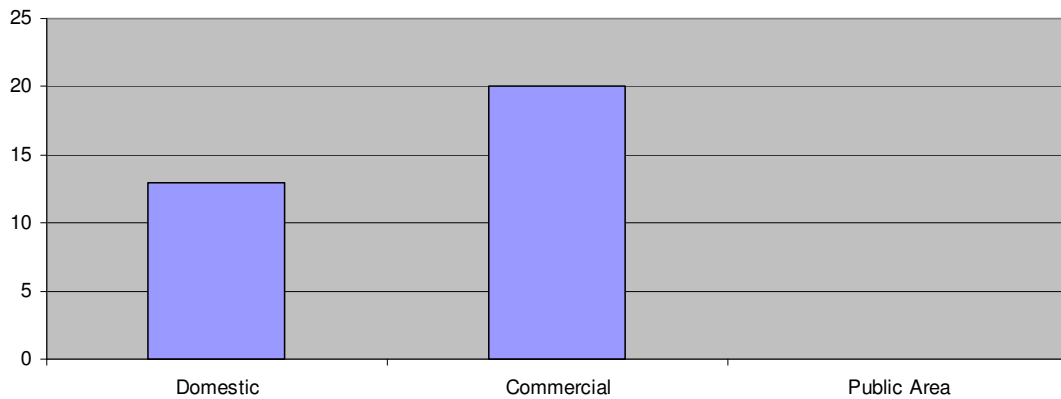


There were a total of 28 noise complaints in the Enfield Town Stress Area in this period of time. 10 were complaints against commercial premises, 16 were against domestic premises and 2 were against public areas

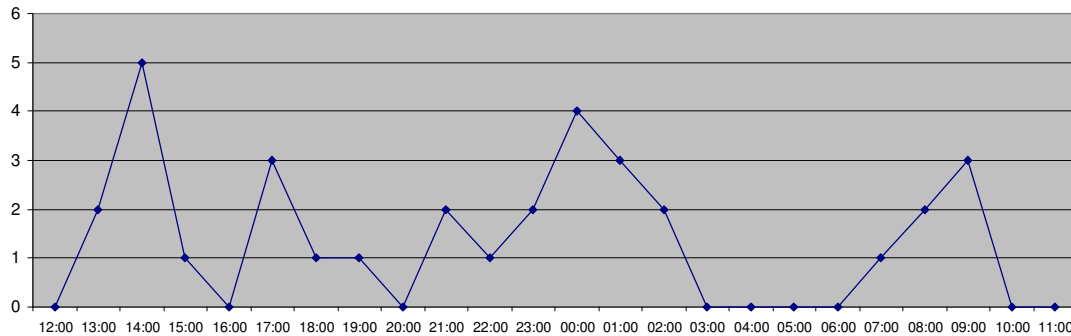


The above line graph shows the time of ALL noise reports received against every type of premises in the Enfield Town Stress Area. There is not a particular time where noise is at a peak. It peaks and troughs throughout the 24 hours. The hours of 13:00 and 17:00 have the highest amount of noise complaints.

SOUTHGATE CUMULATIVE IMPACT AREA



There were a total of 33 noise complaints in the Southgate Stress Area in this period of time. 20 were complaints against commercial premises, 13 were against domestic premises and none were against public areas




The above line graph shows the time of ALL noise reports received against every type of premises in the Southgate Stress Area. The hours when the most noise complaints were within the hour of 14:00 and within the hour of 00:00.

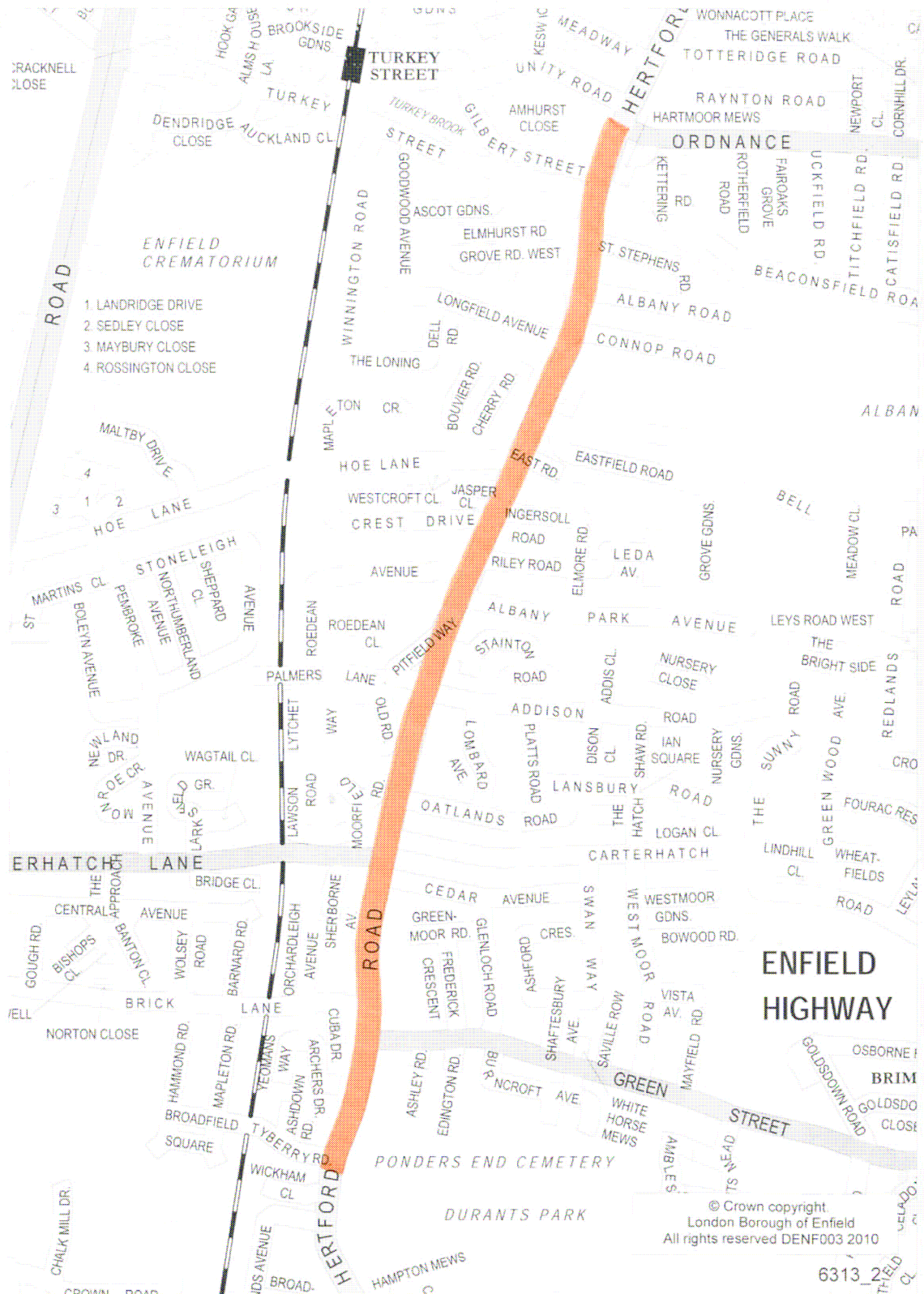
APPENDIX 3 – EDMONTON CUMULATIVE IMPACT AREA



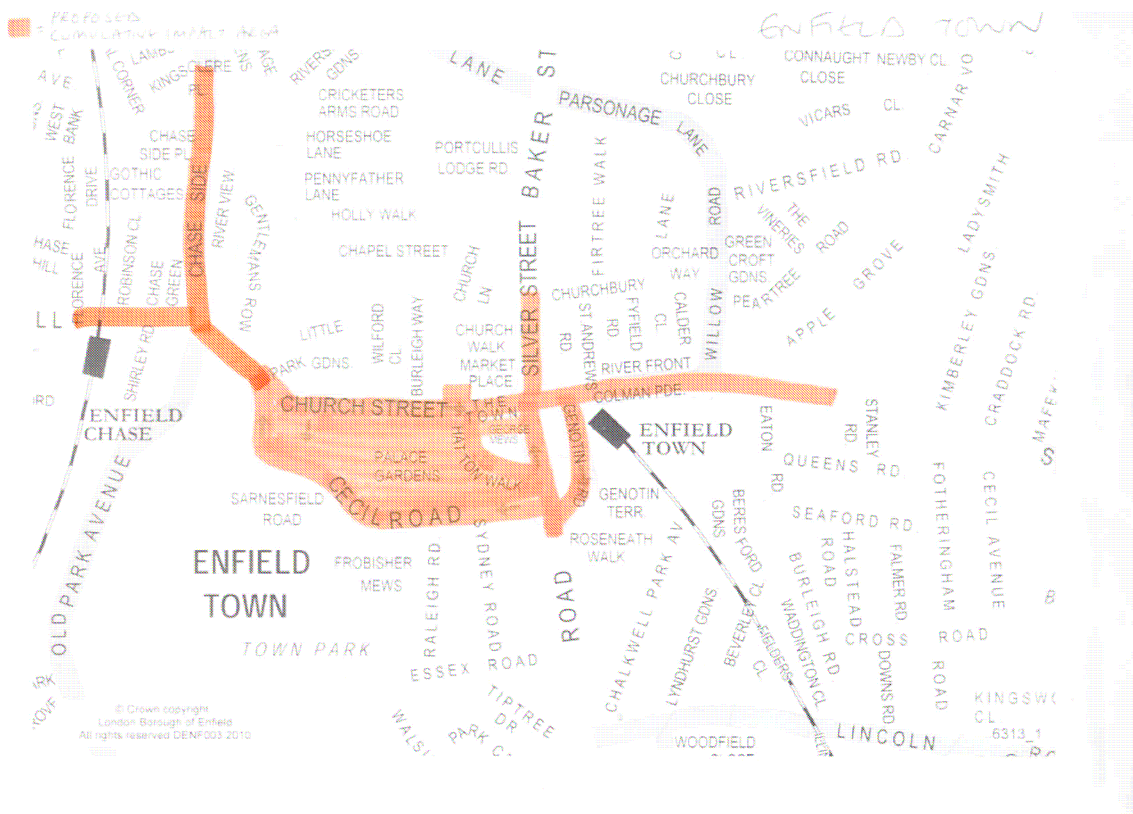
APPENDIX 4 – ENFIELD HIGHWAY CUMULATIVE IMPACT AREA

 = CUMULATIVE IMPACT AREA

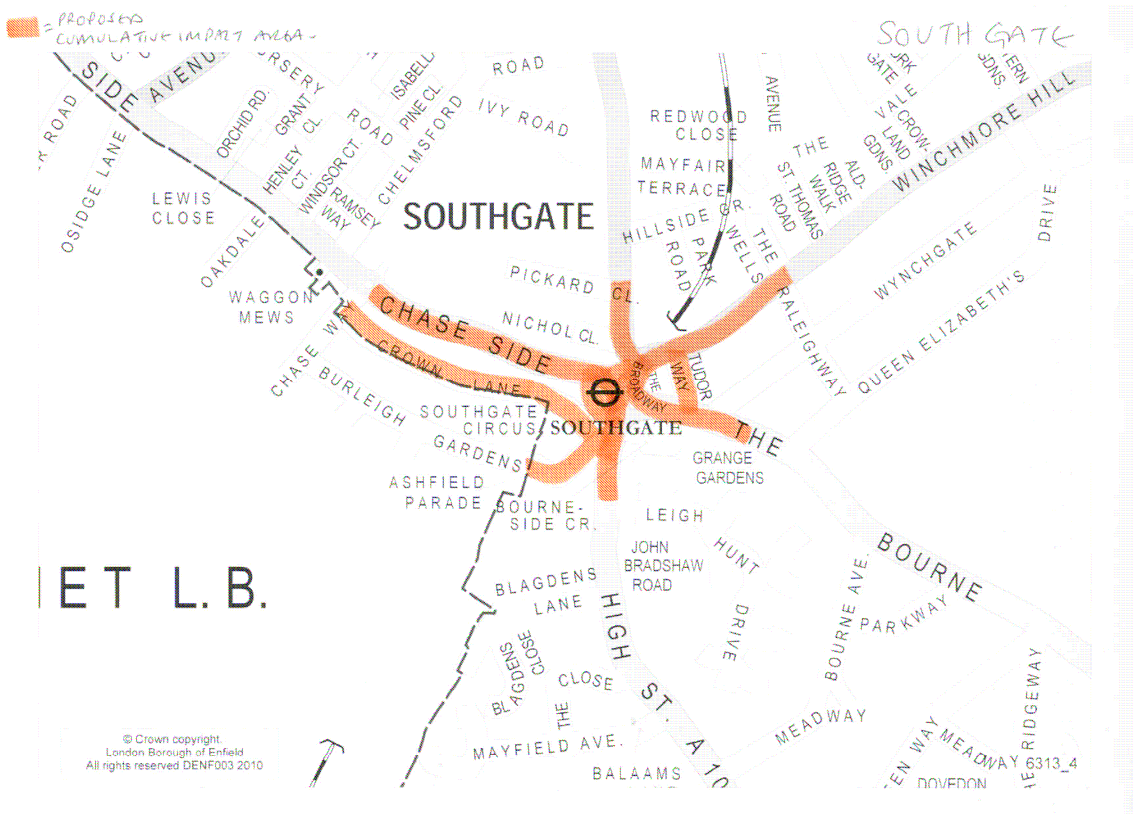
Enfield Highway



APPENDIX 5 – ENFIELD TOWN CUMULATIVE IMPACT AREA



APPENDIX 6 – SOUTHGATE CUMULATIVE IMPACT AREA



ANNEX 2

Policing & Crime Act 2009 – Sexual Entertainment Venues

Key :

LGMPA1982 = Local Government (Miscellaneous Provisions) Act 1982

LA2003 = Licensing Act 2003

PCA2009 = Policing and Crime Act 2009

1. Current Position

- 1.1 The LGMPA1982 defines a sex establishment as either a sex shop, a sex cinema or a sex encounter establishment.
- 1.2 On 4 October 1982 the Council's Public Services and Protection Committee resolved to adopt LGMPA1982.
- 1.3 On 11 June 1991 the Council's Environment Committee considered that the appropriate number of sex establishments in all relevant localities within the borough is nil.
- 1.4 On 1 November 1995 this 'nil' policy was reconfirmed by the Council's Community Services Sub-Committee.
- 1.5 Within Enfield there are no premises licensed as sex establishments under the LGMPA1982.
- 1.6 However, any premises that has a premises licence under the LA2003 and wishes to provide 'live displays or performances involving nudity' does not additionally require a sex establishment licence under the LGMPA1982.
- 1.7 But, within Enfield there are no premises licensed under the LA2003 that are known to provide 'live displays or performances involving nudity' and :
 - 1.7.1 all new and varied licences granted under LA2003 are subject to a condition that provides that "there shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children";
 - 1.7.2 any 'converted' licences under the LA2003 could be made subject to that condition on a review application; &
 - 1.7.3 any breach of that condition is a criminal offence attracting, on conviction, a maximum fine of £20,000 and up to 6 months imprisonment.

2. New Powers

- 2.1 In September 2008 the Government gave local people greater say over the number and location of lap dancing clubs in their area.
- 2.2 Section 27 of the PCA2009 reclassifies premises that provide 'live displays or performances involving nudity' as sexual entertainment venues and gives local authorities the power to regulate such venues as sex establishments.
- 2.3 These new measures took effect on 6 April 2010 in England.
- 2.4 Where adopted, any premises that wanted to provide 'live displays or performances involving nudity' would be required to apply to the Council for a sexual entertainment venue licence under the LGMPA1982 in addition to any premises licence under the LA2003.
- 2.5 Where adopted, local residents will be able to object to a sexual entertainment licence application on wider grounds than those under the LA2003. The Council will be able to refuse a licence under the LGMPA1982 on those wider grounds.
- 2.6 These powers are not mandatory and will only apply if Section 27 of the PCA2009 is adopted by the Council.

3. Option 1 – Adopt?

- 3.1 The Home Office advises that, while there is no statutory duty to do so, prior to deciding whether to pass a resolution, the Council may, as a matter of good practice, wish to seek the views of local people and businesses.
- 3.2 Enfield has already adopted Schedule 3 to the LGMPA1982 for the licensing of sex shops and sex cinemas. However, a further resolution is necessary by full Council before the provisions introduced by Section 27 of the PCA2009, will have effect here.
- 3.3 However, simply by adopting Section 27 of the PCA2009, every premises within the borough will be granted the automatic right to provide 'live displays or performances involving nudity' on up to 11 separate occasions a year without a licence under the LGMPA1982. Premises would only require an authorisation under the LA2003.

4. Option 2 – Don't Adopt?

- 4.1 Should the Council choose not to adopt Section 27 of the PCA2009 all 'live displays or performances involving nudity' would continue to only require a licence under the LA2003.

- 4.2 If the Council does not made a resolution to adopt Section 27 of the PCA2009 we are required, as soon as is reasonably practicable, to consult local people about whether we should make such a resolution.

5. Discussion

- 5.1 The adoption of Section 27 of the PCA2009 grants additional powers to the Council in respect of the control of premises providing 'live displays or performances involving nudity'.
- 5.2 Such premises could not provide sexual entertainment without a licence under the LGMPA1982 in addition to any licence held under the LA2003.
- 5.3 Local residents could object to any application for a licence under the LGMPA1982 and any such application could be refused by the Licensing Sub-Committee on any of the following grounds :
- 5.3.1 the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- 5.3.2 if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- 5.3.3 the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; or
- 5.3.4 that the grant or renewal of the licence would be inappropriate, having regard :
- 5.3.4.1 to the character of the relevant locality; or
- 5.3.4.2 to the use to which any premises in the vicinity are put; or
- 5.3.4.3 to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 5.4 However, by the adopting Section 27 of the PCA2009 every premises within the borough would automatically be granted a statutory right to provide 'live displays or performances involving nudity' on 11 occasions each year without requiring a licence under the LGMPA1982.
- 5.5 There is no statutory requirement for premises to notify the Council of these 11 permitted events. Without this statutory requirement we would be reliant on operators volunteering to inform us of any such events

they held. This would make fair enforcement of these events impracticable.

- 5.6 Should the Council choose not to adopt Section 27 of the PCA2009 the control of premises providing 'live displays or performances involving nudity' would continue to be solely under the provisions of the LA2003.
- 5.7 Local residents may only object to any application for a licence under the 2003 and any such application may only be refused by the Licensing Sub-Committee on the grounds that refusal is necessary for the promotion of :
 - 5.7.1 the prevention of crime & disorder;
 - 5.7.2 public safety;
 - 5.7.3 the prevention of public nuisance; or
 - 5.7.4 the protection of children from harm.
- 5.8 Within Enfield there are no premises that are known to provide 'live displays or performances involving nudity'.

6. Recommendation

- 6.1 The Council is recommended to maintain the status quo by not adopting Section 27 of the PCA2009.
- 6.2 By not adopting this legislation at this time the Council :
 - 6.2.1 will continue to control provide 'live displays or performances involving nudity' under the LA2003;
 - 6.2.2 will prevent every premises within the borough being granted a statutory right on 11 sexual entertainment events each year; &
 - 6.2.3 is not fettering its ability to adopt Section 27 of the PCA2009 in the future, should this prove desirable.

ANNEX 3

Licensing Act 2003 – Licensing Policy Statement

Section 18 – Olympics & Paralympics

18.1 The Council is fully committed to a safe and successful Olympic and Paralympic Games in London during 2012. The council recognises that the resources of the police, transport and emergency services will be planned out and prioritised for the security of major events before, during and after the Games, as a minimum from 15th July 2012 until 16th September 2012. Due consideration will be given by the council to representations from the Police in relation to licence applications for activity during Games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is likely that such applications will not be granted.

ANNEX 4

Public Consultation Responses**Cumulative Impact Policy :**

	No. of Respondents	
	Yes	No
Do you agree that we should usually refuse applications for new licences (or for variations of existing licences) after 11pm in Edmonton?	5 (62.5%)	3 (37.5%)
Do you agree that we should usually refuse applications for new licences (or for variations of existing licences) after 11pm in Enfield Highway?	4 (57%)	3 (43%)
Do you agree that we should usually refuse applications for new licences (or for variations of existing licences) after 11pm in Enfield Town?	4 (57%)	3 (43%)
Do you agree that we should usually refuse applications for new licences (or for variations of existing licences) after 11pm in Southgate?	4 (57%)	3 (43%)

Sexual Entertainment Venues :

	No. of Respondents	
	Yes	No
Do you agree that we should prevent businesses from being granted an automatic right to provide 'live displays or performances involving nudity' on up to 11 separate occasions a year without a licence?	5 (62.5%)	3 (37.5%)

Olympics & Paralympics :

	No. of Respondents	
	Yes	No
Do you agree that we should introduce a policy to cover licensable events that may take place during the Olympic and Paralympic Games (between June and September) 2012?	6 (75%)	2 (25%)

ANNEX 5

Public Consultation Responses - Comments

Cumulative Impact Policy :

Comment 1 – I am pleased to see the use of the word "usually" because I believe that each application should be seen on its own merits. I hope that these recommendations fall within national policy.

Our Note – Each application will be considered on its own merits. Cumulative Impact Policies accord with the Home Secretary's National Guidance under the Licensing Act 2003.

Comment 2 – If these proposals only cover high streets etc. could these proposals also include off licences in small parades like Fillebrook Avenue

Our Note – The Cumulative Impact Policy ('CIP') will apply to any parades of shops that lie within the proposed CIP areas.

Comment 3 – I am not in favour of blanket refusal policies.

Our Note – The Cumulative Impact Policy is not a blanket refusal policy. Each application will be considered on its own merits.

Sexual Entertainment Venues :

Comment 4 – The Sexual Entertainment Venue policy has no effect on venues that regularly provide "sexual entertainment"; they will require licences regardless of this policy, thanks to the below-12-times-yearly caveat. The proposed policy will instead affect the pub landlord who wants to run a burlesque night on a rare occasion, for example, something that would both aid his business and the local community.

Our Note – There are no licensed premises that are known to provide 'live displays or performances involving nudity'. All new and varied licences granted are subject to a condition that provides that "there shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children". Any breach of that condition is a criminal offence attracting, on conviction, a maximum fine of £20,000 and up to 6 months imprisonment.

Olympics & Paralympics :

No comments received

MUNICIPAL YEAR 2011/2012 REPORT NO. 205A**MEETING TITLE AND DATE:**

Council – 28 March 2012

REPORT OF:Director of Finance,
Resources and Customer
Services

Agenda – Part: 1

Item: 10

Subject:**The Localism Act 2011 – Replacing the
Standards Regime****Cabinet Member consulted: Not applicable**

Contact officer and telephone number:

John Austin – 020 8379 4094

E mail: john.austin@enfield.gov.uk

1. EXECUTIVE SUMMARY

The Localism Act (The Act) received Royal Assent in November 2011. The Act makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted members of local authorities. It is expected that the changes will come into effect on 1 July 2012.

Further guidance is awaited from Central Government on a number of issues in the Act. Regulations will also be issued in due course setting out provisions in more detail. Therefore, this report has been written with the information available to date. A further report will be submitted to the Council in July.

This report sets out the changes to the standards regime and includes the views of both the Standards Committee and the Members' & Democratic Services Group.

2. RECOMMENDATIONS

Council is recommended as follows

- (a) To agree the setting up of a Councillor Conduct Committee (to replace the current Standards Committee) to deal with policy, complaints against councillors and issues concerning the members' Code of Conduct. This committee will:

RECOMMENDATIONS (continued)

- Comprise 4 councillors – both group whips and one more councillor from each side. Council will therefore be asked at the Annual Council meeting to agree to this being exempt from the proportionality rules.
- Have its membership appointed at the Annual Council meeting, with the chairman and vice-chairman coming from each of the political groups.

The Independent Person(s) and the Monitoring Officer will be asked to attend the meetings to offer advice and support.

- Calendar meetings on a quarterly basis but only to meet if there was business to be transacted.
- (b) to retain the following 3 principles currently underpinning the current Code of Conduct within the Council's new Code:
- Respect for others
 - Duty to uphold the law
 - Stewardship
- (c) to instruct the Monitoring Officer to draft the Council's new Code of Conduct to provide for the registration and disclosure for those interests which would (in the current code) amount to personal and/or prejudicial interests, but only require withdrawal as required by the new Act for Disclosable Pecuniary Interests (paragraph 4.4)
- (d) to instruct the Monitoring Officer to propose a much more streamlined process for dealing with complaints for consideration at the Council meeting in July; with the Monitoring Officer being given delegated powers under the new arrangements to deal with such matters particularly with regard to:
- the filtering out of complaints and deciding whether they require investigation (or other form of alternative resolution) – with accountability to the proposed Councillor Conduct Committee for decisions taken (paragraphs 5.3 – 5.4)
 - considering requests from complainants for re-consideration where an initial finding has been no evidence of failure to comply with the Code of Conduct with no further action to be taken. This could be where new evidence is produced. The MO will have the power

to refer matters to the Councillor Conduct Committee if considered appropriate (paragraph 5.5).

- the local resolution of complaints without the need for a hearing. Local resolution should only be agreed after consultation with the Independent Person, where the complainant is satisfied with the outcome, and where a summary report will be made to the Councillor Conduct Committee for information. (paragraphs 5.6 – 5.7).
- (e) to comment and agree the range of possible sanctions available to the new Councillor Conduct Committee (paragraph 5.8)
 - (f) to note that there will be an appeals process contained within the Council's new process – the detail to be decided once statutory regulations are available (paragraphs 5.9 – 5.10)
 - (g) agrees the role of the 'Independent Person' (IP) and at the appropriate time proceeds to recruit 2 IPs, who should be invited to attend the Councillor Conduct Committee as appropriate (paragraphs 6.1 – 6.6)
 - (h) agree that members continue to refresh their register of interests at least annually even though this will no longer be a statutory requirement (paragraph 7.4)
 - (i) to include in the new Code a requirement for members to declare 'Disclosable Pecuniary Interests' at meetings even though they may have included them on the register or have notifications pending (paragraphs 8.1 - 8.2)
 - (j) the Monitoring Officer be given the power to grant dispensations as set out in paragraphs 11.3 (a) and (b).

3. STANDARDS COMMITTEES

- 3.1 The Localism Act places a duty on local authorities to promote and maintain high standards of conduct for its elected and co-opted members.
- 3.2 The Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. This therefore means that such committees are no longer a requirement. However, there will still be a need to deal with standards issues and case work so local authorities may choose to retain a Committee for these purposes. If so, they will be a normal Committee of the Council, without the unique features which were conferred by the 2000 Act. This means that:

- (a) The composition of the Committee would normally therefore be governed by proportionality, unless the Council votes otherwise with no member voting against. The present restriction of only one member of the Executive on the Standards Committee will cease to apply.

Both the Standards Committee and the Members and Democratic Services Group agreed that a Councillor Conduct Committee be set up with equal representation from both sides. As stated above, this will require the unanimous approval of Council. The latter also felt that the chairman and vice-chairman should be from each of the two political parties.

- (b) The current co-opted independent members will cease to hold office. The Act provides for a new category of *Independent Persons* (see paragraph 6) who must be consulted at various stages. Recent clarification from the Department for Communities & Local Government has indicated that current independent members may put themselves forward for the new role within the first 12 months of the new arrangements (until 30 June 2013). We understand that the Council can determine the term of office. The new Independent Person(s) can be invited to attend the Standards Committee possibly as non-voting co-opted members.

4. THE CODE OF CONDUCT

- 4.1 The current General Principles and Model Code of Conduct will be repealed. Members will no longer have to give an undertaking to comply with the Code of Conduct. However, the Council will be required to adopt a new Code of Conduct governing elected and co-opted members' conduct when acting in that capacity. The Council's new code of conduct must, when viewed as a whole, be consistent with the following seven principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

- 4.2 This means that 3 of the principles underpinning the current code could no longer apply. These are:

- Respect for others
- Duty to uphold the law
- Stewardship

4.3 The Standards Committee and the Members' & Democratic Services Group supported the inclusion of the above 3 principles in the new code. The Standards Committee asked for a clear definition of 'Stewardship' to be provided. This can be defined as follows:

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

4.4 The Council has discretion as to what it includes in its new code, provided that it is consistent with the above principles in 4.1. However, regulations to be made under the Act will require the registration and disclosure of 'Disclosable Pecuniary Interests' (DPIs) broadly equating to the current prejudicial interests. The Act will also require an Authority's code to contain appropriate requirements for the registration and disclosure of other pecuniary and non-pecuniary interests.

4.5 This means that it is not yet possible to draft code provisions which reflect the definition of DPIs which will appear in the regulations. Advice to date however provides an indicative view of what the Council might consider appropriate to include in the Code in respect of the totality of all interests, including DPIs, other pecuniary and non-pecuniary interests. Unless otherwise required by the above regulations, it is suggested that the Monitoring Officer drafts the new Code to provide for the registration and disclosure for those interests which would (in the current code) amount to personal and/or prejudicial interests, but only require withdrawal as required by the new Act for DPIs.

4.6 It is envisaged that the Council's new Code of Conduct will have to deal with the following matters:

- (a) General Conduct Rules to give effect to the seven principles set out in paragraph 4.1 above (extended to 10 if the Council agrees the proposal from the Standards Committee and the Members' & Democratic Services Group in paragraphs 4.2 & 4.3 above). This corresponds broadly with paragraphs 3 to 7 of the current Code of Conduct, which the Council could consider re-adopting – with subsequent amendments possible if required; and
- (b) Registration and disclosure of interests other than DPIs – effectively replacing the current personal interest

provisions. This will become clearer once the regulations are published.

5. DEALING WITH MISCONDUCT COMPLAINTS

'Arrangements'

- 5.1 The Act requires the Council to adopt 'arrangements' for dealing with complaints of breaches of the code of conduct by members. These 'arrangements' must set out in some detail the process for dealing with such complaints and the actions which may be taken against a member who is found to have failed to comply with the Code as agreed by the Council.
- 5.2 The Act also repeals the requirements for separate Referrals, Review and Hearings Sub-Committees and enables Councils to establish their own processes which can include delegation of decisions on complaints. As the new statutory provisions remove the special powers to the Standards Committee and the Monitoring Officer to deal with complaints and undertake investigations, new delegations from Council (under the terms of the 2011 Act) will be required.

Decision whether to investigate a complaint

- 5.3 The Assessment Sub-Committee role under the current arrangements could be argued to have provided a reasonably robust process for filtering out complaints and deciding whether they require investigation. This however will no longer be obligatory. There is a view therefore that this initial decision making role should be delegated to the Monitoring Officer, subject to consultation with the Independent Person(s) and with the ability to refer particular complaints to the Councillor Conduct Committee where he/she feels that it would be inappropriate for him/her to take a decision. This could for example be where he/she had previously advised the member on the subject matter or the complaint is particularly sensitive. These arrangements also enable the Monitoring Officer to seek to resolve a complaint informally, before taking a decision on whether the complaint merits formal investigation.
- 5.4 If such powers are delegated to the Monitoring Officer, he/she should be accountable to the Councillor Conduct Committee for the decisions taken. This could be done through (say) a quarterly report to the above Committee, setting out the number and nature of complaints received and the progress on investigations and any action taken.

'No Breach of Code' finding on investigation

- 5.5 Where a formal investigation currently finds no evidence of failure to comply with the Code of Conduct with no further action being taken, the current arrangements provide for the complainant to request that this is re-considered by the Referrals Sub-Committee. This role could now be transferred to the Monitoring Officer but with the power to refer the matter to the Councillor Conduct Committee if considered appropriate (for example if a conflict of interest arises). It might also be good practice to keep the Independent Person(s) informed of the investigations, with a summary report going to the Councillor Conduct Committee for information.

'Breach of Code' finding on investigation

- 5.6 In such circumstances, the Act still provides the opportunity for the Monitoring Officer to try to bring about a local resolution to the complaint, avoiding the need for a hearing. This might be where an acceptance of fault is given by the member and/or an apology is accepted by the complainant. It is suggested that the Monitoring Officer should only agree such local resolution after consultation with the Independent Person(s); where the complainant is satisfied with the outcome; and where a summary report will be made to the Councillor Conduct Committee for information.
- 5.7 In all other cases, where the formal investigation has found evidence of a failure to comply with the Code of Conduct, it will be necessary for the Councillor Conduct Committee (or more likely a Hearings Sub-Committee set up for this purpose) to hold a hearing. The purpose will be to give the member concerned the opportunity to respond to the investigation report, and to allow the Sub-Committee to determine whether the member did fail to comply with the Code and what action, if any, is appropriate as a result.

Action in response to a Hearing finding of failure to comply with the Code

- 5.8 The Act does not give the Council or its Committees any powers to impose sanctions on members. This means that where a failure to comply with the Code of Conduct is found, the range of actions open to an authority in respect of the member concerned is limited and must be directed to securing the continuing ability of the authority to discharge its functions effectively rather than "punishing" that member. In practice, this might include the following:
- (a) Reporting the findings to the full Council

- (b) Recommending to the relevant Group Leader that the member be removed from committees, sub-committees or outside bodies
- (c) Recommending to the Leader of the Council that the member be removed from the Cabinet or from particular portfolio responsibilities
- (d) Instructing the Monitoring Officer to arrange training for the member
- (e) Withdrawing facilities provided to the member by the Council – such as computer access and/or e mail or internet access
- (f) Excluding the member from the Council's offices or other premises – with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (g) Publishing the findings of the hearing in the local media.

Appeals

- 5.9 There is no requirement to put in place an appeals mechanism. Decisions will be open to judicial review by the High Court if they were considered unreasonable or if they were taken improperly, or if attempting to impose a sanction beyond the powers of the authority.
- 5.10 The Members' and Democratic Services Group agreed that the issue of a right of appeal for members against decisions and sanctions imposed should be considered further when statutory regulations became available.

6. INDEPENDENT PERSON(S)

- 6.1 The 'arrangements' adopted by the Council must provide for the appointment of at least one Independent Person (IP) (see also paragraph 3.2(b)).
- 6.2 The IP must be appointed through a process of public advertisement, application and appointment by a positive vote of the majority of all members of the Council (not just those present and voting).
- 6.3 Initially, Councils were advised that current independent members of Standards Committees would not be eligible to put themselves forward for the new Independent Persons role. We now understand that due to representations made to

Government, they can seek appointment within the first 12 months of the new arrangements being in place (up to July 2013). We further understand that Councils can set the periods of office.

It is understood that a person will not be eligible to be an IP if he/she is a relative or close friend of a current elected or co-opted member of the Council or its committees and sub-committees, or any officer of the Council

For this purpose “relative” comprises:

- (i) the candidate’s spouse or civil partner
- (ii) any person with whom the candidate is living as if they are spouses or civil partners
- (iii) the candidate’s grandparents
- (iv) any person who is a lineal descendent of the candidate’s grandparents
- (v) a parent, brother, sister, child, of anyone in (i) and (ii) above
- (vi) the spouse or civil partner of anyone within (iii), (iv) or (v) above; or
- (vii) any person living with a person within (iii), (iv) or (v) above as if they were a spouse or civil partner to that person.

6.4 The functions of the Independent Person are:

- (a) they must be consulted by the authority before it:
 - makes a finding of failure on the part of a member to comply with the Code of Conduct; or
 - decides on action to be taken in respect of that member
- (b) they may be consulted by the authority in respect of a standards complaint at any other stage; and
- (c) they may be consulted by a member or co-opted member against whom a complaint has been made

The function in (c) above could compromise the IP. If they have been consulted by the member complained about, it could be argued that they are then prejudiced on the matter and cannot therefore be consulted by the Monitoring Officer – or vice versa.

6.5 The Act gives discretion to appoint one or more IP but provides that each IP must be consulted before any decision is taken on a complaint which has been investigated. Councils could therefore appoint more than one IP or just select the one and

have one or two in reserve (to be called upon at short notice) if the appointed IP is no longer able to fulfil that function. The recommendation to Council is that 2 IPs are appointed.

- 6.6 As the IP is not a member of the authority or of its committees or sub-committees, remuneration for the role no longer falls within the members' allowances scheme. The role of the IP, in comparison to the current Chair or independent members of the Standards Committee, is likely to be less onerous. He/she could be invited to attend all meetings of the Councillor Conduct Committee and related panels, but not as a formal member of either. He/she could be co-opted as a non-voting member but cannot chair the meetings. It's also possible that the IP could be involved in the local resolution of complaints, be consulted by the member or the Monitoring Officer and be involved in granting dispensations. It is suggested that consideration of remuneration is deferred until the July Council meeting.

7. REGISTER OF MEMBERS' INTERESTS

- 7.1 The Act abolishes the concepts of personal and prejudicial interests. Instead, regulations will define 'Disclosable Pecuniary Interests' (DPIs). The Monitoring Officer is required to maintain a register of interests which must be available for inspection and on the Council's website.
- 7.2 As referred to in paragraphs 4.4 and 4.5, we do not as yet know what DPIs will consist of, but they are likely to be broadly similar to the current prejudicial interests. The Act does extend the requirement for registration to cover not just the member's own interests, but also those of the member's spouse or civil partner or someone living with the member in a similar capacity. As also mentioned in paragraph 4.4, the Act requires the Council's new Code of Conduct to provide for the registration (and disclosure) of other pecuniary and non-pecuniary interests. The Monitoring Officer will draw up relevant provisions when further information is known.
- 7.3 Each elected or co-opted member must register all DPIs within 28 days of becoming a member. Failure to register is made a criminal offence, but would not prevent him/her from continuing as a member. Failure to register interests other than DPIs will not be a criminal offence but would be a failure to comply with the Code of Conduct.
- 7.4 There is no continuing requirement for a member to keep the register up-to-date, except on re-election or re-appointment. Members will however be encouraged to refresh their interests from time to time in the interests of good governance.

8. DISCLOSURE OF INTERESTS AND WITHDRAWAL FROM MEETINGS

- 8.1 Members will have a duty to disclose DPIs and withdraw from meetings where that interest is being considered. Disclosure applies even when the member is absent from part of the meeting when the matter is discussed. The member must disclose the existence and nature of the interest. However, there is a change from current requirements. The member does not have to make such a disclosure if he/she has already registered the DPI or at least sent off a request for the Monitoring Officer to register it (known as a 'pending notification'). This means that members of the public attending a meeting may only know about a member's interest if they have read the register.
- 8.2 In the interests of openness and transparency, the Council may wish to consider positively encouraging members to disclose such interests at meetings even though they may have included them on the register or have notifications pending.
- 8.3 Where a member makes a DPI disclosure at a meeting, he/she must then notify the Monitoring Officer within the next 28 days so it can be included in the register.
- 8.4 If a member has a DPI in any matter, he/she must not:
- (a) participate in any discussion on the matter at the meeting. The Act does not define 'discussion', but this would appear to preclude making representations as currently permitted under paragraph 12(2) of the existing Code. So members with a prejudicial interest at (say) Planning Committee will no longer be able to speak on the matter before leaving the room.
 - (b) participate in any vote on the matter

unless he/she has obtained a dispensation to speak and vote on the matter in question (see paragraph 11).

9. SINGLE MEMBER DECISION MAKING (PORTFOLIO DECISIONS)

- 9.1 Enfield's Scheme of Delegation allows for individual Cabinet members to take portfolio decisions within their Cabinet remit. If a Cabinet member becomes aware that he/she will have to deal with a matter in which they have a DPI, the following applies under the new Act:
- (a) unless the DPI is already in the register (or is subject to a 'pending notification' – see paragraph 8.1 above), he/she

has 28 days in which to notify the Monitoring Officer that they have such an interest;

- (b) he/she must take no action in respect of the matter other than refer it to another person to take the decision. In Enfield, this could be full Cabinet, the Leader or, in some case, another Cabinet member.

10. SENSITIVE ISSUES

- 10.1 The Act continues with the current Code of Conduct provisions for sensitive interests.
- 10.2 Where a member is concerned that disclosure of the detail of an interest at a meeting or on the register of interests would lead to that member, or any person connected with him/her being subject to violence or intimidation, they may request the Monitoring Officer to agree that the interest is a 'sensitive interest'.
- 10.3 If this is agreed, the member then merely has to disclose the existence of an interest at a meeting, rather than the detail of it. The Monitoring Officer also excludes the detail of the interest from the published register of interests.

11. DISPENSATIONS

- 11.1 The provisions on dispensations are significantly changed by the Act.
- 11.2 At present, a member who has a prejudicial interest may apply to the Standards Committee for dispensation on two grounds:
 - (a) that at least half of the members of a decision making body have prejudicial interests
 - (b) that so many members of one political party have prejudicial interests that it will upset the result of the vote on the matter.
- 11.3 In future, a dispensation will be granted in the following circumstances:
 - (a) that so many members of the decision making body have DPIs in a matter that would "impede the transaction of the business".
 - (b) that without the dispensation, the representation of different political groups on the body conducting the

business would be so upset as to alter the outcome of any vote on the matter.

- (c) that the authority considers that the dispensation is in the interests of persons living in the authority's area
- (d) that the authority considers that it is otherwise appropriate to grant a dispensation

11.4 Any grant of dispensation must specify how long it lasts, up to a maximum of 4 years.

11.5 The current rules say that dispensations can only be granted by the Standards Committee. The new Act gives discretion for this power to be delegated to the relevant alternative Committee, a Sub-Committee or to the Monitoring Officer. The grounds in (a) and (b) above could possibly be delegated to the Monitoring Officer to quicken the process, with an appeal mechanism to the Councillor Conduct Committee. Those in (c) and (d) however are more subjective and should perhaps be left to the above Committee, after consultation with the Independent Person(s).

12. TRANSITIONAL ARRANGEMENTS

12.1 Regulations under the Act will provide for:

- (a) transfer of Standards for England cases to local authorities after its abolition
- (b) a transitional period for the determination of any outstanding complaints under the current Code of Conduct. The Government has stated that it will allow 2 months for such determination, although it is hoped that the final regulations will allow a little longer
- (c) removal of the power of suspension from the start of the transitional period; and
- (d) removal of the right of appeal to the First Tier Tribunal from the start of the transitional period.

13. ALTERNATIVE OPTIONS CONSIDERED

The Council will have some discretion in elements of the new legislation. These are set out in this report and will continue in the report to the July meeting.

14. REASONS FOR RECOMMENDATIONS

To begin the process of implementing the requirements of the Localism Act in relation to the new Standards Regime.

15. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

15.1 Financial Implications

The proposals set out in this report will be contained within existing budgets.

15.2 Legal Implications

These are contained within the body of the report.

16. KEY RISKS

None at this stage.

17. EQUALITIES IMPACT IMPLICATIONS

The proposals within this report will help to ensure fair, equal and consistent treatment of complaints against councillors for all parties concerned.

18. IMPACT ON COUNCIL PRIORITIES

Fairness for All and Strong Communities

A strong ethical approach by the Council and the promotion of good conduct on the part of members will have a positive effect on their representational role and a consequential impact on communities.

Background Papers

Bevan Brittan Seminar papers – December 2011

MUNICIPAL YEAR 2011/2012 REPORT NO. **229**

MEETING TITLE AND DATE:

Council – 28 March 2012

REPORT OF:

Director of Schools & Children's Services

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Agenda – Part: 1	Item: 11
Subject: Terms of Reference for Schools Forum	
Wards:All	
Cabinet Member consulted: Cllr Orhan	

1. EXECUTIVE SUMMARY

This report sets out the proposed changes to the Terms of Reference for the Schools' Forum.

2. RECOMMENDATIONS

That the terms of reference for the Schools' Forum be amended as detailed in paragraph 3.

3. BACKGROUND

3.1 The Members and Democratic Services Group has agreed the revised Terms of Reference for the Schools Forum and has recommended their approval by Council. The revised Terms of Reference incorporating the amendments are attached at Appendix A.

3.2 The Schools' Forum

3.2.1 The Schools' Forum was set up in response to the duty placed on the Local Education Authority now the Children's Services Authority (CSA) to establish a Schools' Forum by January 2003. The current terms of reference were revised to meet legislative requirements in 2007.

3.2.2 The functions of the Schools' Forum are to consult on:

- the Local School Funding Formula;
- issues, specified in regulations, in connection with the Schools' budget;
- service contracts;

3.2.3 The Schools' Forum has proved an effective consultative body and has provided invaluable guidance and advice on school funding.

- 3.2.4 The Schools' Forum has also taken on the role of leading on financial issues which were previously covered by the Member Governor Forum.
- 3.2.5 The regulations governing Schools Forum stipulate that membership must include schools members, non-schools members and at least one academy member if there is an Academy in the authority's area. Furthermore, schools and academy members together have to number at least two-thirds of the total membership of the Forum and the balance between primary, secondary and academies members should be broadly proportionate to the pupil numbers in each category. Furthermore, the non schools members must consist of a representative from the Authority's 14 – 19 Partnership and another representing the early years providers from the private, voluntary and independent sector and the Authority can nominate other non schools members to represent the interests and views of stakeholders and partners other than schools.
- 3.2.6 The current arrangements for nominating Schools Forum members were developed in consultation with Headteachers and Governors when the legislation was first introduced and were broadly proportionate to the pupil numbers in each category. The local procedure for nominating members to the Schools Forum is regularly received by the Administration, the Forum taking into account the latest regulations. In line with current practice in other local authorities, the schools members for Enfield's Schools Forum are elected from their local representative bodies, that is, the Secondary Headteacher conference is responsible for seeking nomination for the Forum: the Forum member representing secondary schools would then be responsible for representing the view of their sector and also for feeding back to their colleagues on the discussions held at the Forum meetings. In recent years, there has been an informal practice for the Headteacher representatives on the Forum to be those leading on resources issues in the local joint consultative groups. The Governor Representatives are elected through the Member Governor Forum.
- 3.2.7 The aim of the arrangements for membership has been to ensure an approach based on collaboration and participation and to act as a reminder for Forum members that their role on the Forum is to represent the views of their partnership group and not those of their individual school or academy. In the event that the arrangements did not secure academy representation it would then be necessary to further amend the ToR to enable the Authority nominating an academy representative directly.

Reasons to revise the Terms of Reference

- 3.2.8 The Department for Education (DfE) in December 2010 confirmed some changes to the roles and responsibilities of the Schools' Forum following the publication of the School Funding regulations 2010 and also guidance on the operation of Schools Forum.
- 3.2.9 The Schools Forum has also requested some further changes to the Terms of the Reference.

Proposed Changes to the Terms of Reference

3.2.10 It is proposed that the terms of reference are amended to reflect the new regulations :

- (a) Paragraph 2.4 in relation to the function of the Schools Forum is amended as follows: *The Forum may agree or refuse requests from the Local Authority to vary the operation of the Minimum Funding Guarantee for the operation of the Early Years Single Funding Formula;*
- (b) Paragraph 3 is amended to include:
- the nomination of headteachers for all types of schools including academies will be made by the relevant Headteachers' conference;
 - the nomination of governor representatives for all types of schools including academies will be made by the Member Governor Forum;
 - a representative from 14 – 19 Strategic Partnership as a member of the Schools Forum;
 - a representative of the Pupil Referral Units as a member of the Schools Forum.
- (c) The Schools Forum sought some changes to the arrangements of the Schools Forum and these are detailed in paragraphs 4, 5, 6 & 7

4. ALTERNATIVE OPTIONS CONSIDERED

The alternative option for school and academy representation would be for each type of school to nominate their own representatives but this approach may undermine and fragment arrangements for participation and consultation already in place. This could form part of any future review of Participative and Consultative Process within the Schools and Children's Services Department.

5. REASONS FOR RECOMMENDATIONS

- 5.1 It is intended that the proposed amendments would address the requirements of regulations in relation to school funding and the organisational arrangements for Schools Forum.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

There are no financial implications.

6.2 Legal Implications

Schools Forums were established by S 47A School Standards and Framework Act 1998 as amended by Education Act 2002. All Local Education Authorities (now

Children's Services Agencies) are required to establish a Schools Forum for their area in accordance with the 2002 and 2005 regulations.

S47S(5) of the 1998 Act provide that regulations shall govern the constitution, meetings and process of the Schools Forum. The proposed changes to the Terms of reference are in accordance with the statutory framework and the new Guidance issued by Department for Education 'Operational and Good Practice Guidance'.

6.3 Property Implications

There would be no property implications.

7. KEY RISKS

The Authority has a statutory obligation to ensure the arrangements for Schools Forum meet the statutory requirements. The proposals contained in this report support this aim.

8. IMPACT ON COUNCIL PRIORITIES

The recommendations ensure the Schools' Forum operates within the statutory framework which enables all stakeholders a fair access to the arrangements for distributing funding to schools. In terms of the Council's aims around Fairness for All, Growth & Sustainability and Strong Communities this would mean:

- assist with maximising the resources available to support educational attainment;
- work in partnership with schools to support school improvement and raise achievement;
- secure effective strategic management of education across the Borough, improving the quality and range of support to schools.

9. EQUALITIES IMPACT IMPLICATIONS

An equalities impact assessment has been carried and the findings include an assessment of the functions within the remit of the Schools Forum.

Background Papers

Schools Forum – Terms of Reference Report presented on 3 February 2011 and 9 February 2012

DfE Operational and Good Practice Guidance – December 2010 available at:

<http://media.education.gov.uk/assets/files/pdf/s/schools%20forums%20-%20operational%20and%20good%20practice%20guidance.pdf>

Equality Impact Assessment – Feb 2012

LONDON BOROUGH OF ENFIELD
SCHOOLS FORUM
REVISED TERMS OF REFERENCE

1. **Definitions**

In these terms of reference the following expressions shall have the meanings assigned to them below:

'The CSA' shall mean the Children's Services Authority of the London Borough of Enfield.

The 'Regulations' shall mean the

- Schools' Forums (England) Regulations 2002 and the Schools Forums (England) (Amendment) Regulations 2010;
- Local Authority (LA) and Schools' Finance Regulations;
- Minimum Funding Guarantee (MFG) in the Financing of Maintained Schools Regulations.

2. **Functions**

2.1 In accordance with Regulations, the Schools' Forum of the London Borough of Enfield shall be consulted on:

- the Local Authority school funding formula;
- issues, specified in regulations, in connection with the Schools' Budget;
- service contracts.

2.2 The Council will also consult the Forum on other matters connected with the Schools' Budget or on matters connected with the LA revenue budgets or capital expenditure as it sees fit.

2.3 The Forum may scrutinize and challenge the LA's application of funds to the Schools' budget, Delegated Schools' Budget, Central CSA Budgets and Capital Budgets. It may also scrutinize and challenge DfE /Central Government funding to Enfield Council for education.

2.4 The Forum may agree or refuse requests from the Local Authority to:

- increase the level of central expenditure in the Schools' Budget above that provided for by regulations;
- [vary the operation of the Minimum Funding Guarantee for the operation of the Early Years Single Funding Formula;](#)
- make changes to the local Scheme for Financing Schools

2.5 The Forum will consider referrals from the Member Governor Forum/Chairs' Briefing, any other consultative group and Schools' Governing Bodies.

2.6 The Forum may request detailed information to assist it in carrying out its functions and the Council will use its best endeavours to provide such information.

2.7 The Forum will abide by any changes to statutory provisions or changes to the regulatory framework for Schools' Funding; the Terms of Reference would be amended to reflect any such requirements.

2.8 The Forum will receive an annual update report covering such issues as pupil number projections, school organisation developments, etc.

3. Membership and Attendance

Headteacher representatives will be elected from the relevant headteachers' conferences and governor representatives from the relevant Member Governor Forum or Chairs' Briefing with due regard that the representatives elected will reflect the views of all the different types of schools including academies within their sector.

The Early Year's Representative will be nominated from the early year's private, voluntary and independent sector.

The 14 – 19 Representative will be nominated from the 14 – 19 Strategic Partnership. The Teachers' Committee will nominate a representative member.

The forum shall consist of the following members:

Schools members

- 4 primary sector headteachers
- 4 primary sector governors
- 4 secondary sector headteachers
- 4 secondary sector governors
- 1 special sector headteacher
- 1 special sector governor

Non-schools members

- 1 Early years representative
- 1 Teachers' Committee
- Assistant Director Early Intervention & Access
- Chair of Children's Services Scrutiny Panel
- 1 14 – 19 Representative
- 1 *Pupil Referral Units representative*

There are a total of 24 members with non-schools representatives forming a third of the total membership.

Attendance

As well as members attending meetings, it is expected that the Lead Cabinet Member for Schools & Children's Services and officers with resources responsibilities from the Local Authority will attend and participate in meetings of the Schools' Forum.

4. Substitutes

- 4.1 A member who is unable to attend a meeting may arrange for a substitute to attend to represent the same body and to have voting powers. This is to be notified in writing in advance of the meeting to the Clerk to the Schools' Forum and shall remain effective until it is withdrawn.
- 4.2 A school member may only nominate a substitute member from the same sector of school and with the same role within a school.
- 4.3 The member appointed by the Teachers' Committee may only nominate a substitute who is also a member of the Teachers' Committee.

- 4.4 *The member appointed by the 14–19 Strategic Partnership may only nominate a substitute who is also a member of the 14–19 Strategic Partnership.*

5. Tenure of Office

- 5.1 *Each member shall be appointed to the Forum for a period of four years.*
- 5.2 Any member may resign by giving written notice to the Clerk to the Forum.
- 5.3 A member's appointment shall end if the member concerned ceases to hold the office by virtue of which he or she became eligible for appointment to the Forum.
- 5.4 In light of any review of the Schools & Children's Services (SCS) participation and consultative arrangements the CSA shall exercise its powers to review the composition and constitution of the Schools' Forum. In so doing, the CSA will ensure that all relevant parties are consulted and that any change continues to comply with the regulations.
- 5.5 *A member, who, without the consent of the Forum, has failed to attend three meetings consecutively will be disqualified from continuing to hold office as a member of the Schools Forum.*

6. The Chair and Vice-Chair

- 6.1 The Forum shall appoint from its membership, excluding non-executive elected members or eligible officers, a Chair and Vice-Chair.
- 6.2 In the event of an election the Chair and Vice-Chair will be appointed by a majority of the votes cast by individual members.
- 6.3 *The Chair and Vice-Chair shall be elected annually. The election for these positions will take place at the first meeting and in subsequent years at the first meeting after the annual meeting of the Council. (The Forum are advised to bear in mind the potential benefits of regular change of Chair: Members are invited to limit re-elections of an individual to the position of Chair in order to avoid periods in the Chair exceeding two years.)*
- 6.4 In the event of a casual vacancy occurring in the office of the Chair or Vice-Chair the Forum shall at their next meeting elect one of their members to fill that vacancy and a member so elected will hold office until the first meeting after the annual meeting of the Council.
- 6.5 The Chair or Vice-Chair shall cease to hold office if s/he resigns her/his office by giving written notice to the Clerk, or if s/he ceases to qualify as a member of the Forum.

7. Meetings

- 7.1 *The Forum shall meet at least four times each year.*
- 7.2 Further meetings may be called with the agreement of the Chair or by decision of the Forum to enable the Forum to carry out its tasks effectively.

- 7.3 Every member shall be given written notice and an agenda at least seven clear days before the date of the meeting.
- 7.4 From time to time the Forum will set up ad hoc working groups to deal in greater detail with matters that require more time than is available in the full Forum meetings and will report to the full Forum meetings.

8. Public Access

All documents and proceedings shall be open to the public unless the Forum resolves that there is good reason for documents or proceedings to be kept confidential.

9. Quorum

The quorum for the meeting shall be nine members representing 40% of the total membership.

10. Voting

Any question to be decided at a meeting of the Forum shall be determined by a majority of the votes of members present. In the case of an equality of votes the Chair shall have a second or casting vote.

11. Conduct and Declarations of Interest

- 11.1 In carrying out their functions, members of the Forum shall act in accordance with the seven principles of public life set out in the report of the Government Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 11.2 Members of the Forum shall declare an interest in any proposal, which directly affects a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest. Any member with such an interest shall declare it and withdraw from the discussion and take no part in the decision. Where it is clear that a decision in which a member has such an interest is likely to arise at a particular meeting, the member concerned may wish to invite a substitute to attend that meeting.

12. Expenses and Training

- 12.1 Members of the Forum shall be entitled to claim reasonable expenses as outlined in the CSA's policy for the payment of such expenses.
- 12.2 The costs of training course fees and reasonable travel expenses to enable attendance on such courses for members of the Forum to increase their expertise, and knowledge to carry out their School's Forum duties effectively, will be a first call on the schools' budget. Applications for such fees/expenses should be made to the Assistant Director (Commissioning). In the event of a dispute over whether a course should be funded, the Chair of the Schools Forum will be the decision-maker and will take account of the resources available from the budget for the Forum's activities. This budget will be reviewed annually.

MUNICIPAL YEAR 2011/2012 REPORT NO. **213**

MEETING TITLE AND DATE:
Cabinet 21st March 2012

Council – 28 March 2012

REPORT OF:

Chief Executive

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Agenda – Part: 1
Item: 12
Subject:
Enfield Residents Priority Fund – update of guidance and criteria for 2012 - 13
Wards: All
Cabinet Member consulted:

Cllr. Christine Hamilton

1. EXECUTIVE SUMMARY

- 1.1 Council approved the overarching Enfield Residents Priority Fund Framework on March 6th 2011, and the final version of the guidance and toolkit on April 6th. This guidance has been used to deliver the Enfield Residents Priority Fund (ERPF) during 2011-12.
- 1.2 The Localism Act 2011 makes provision for councils to have a general power of competence, superseding the wellbeing power in the Local Government Act 2000. This gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited. As the wellbeing power was central to the implementation of the Enfield Residents Priority Fund, the guidance has been amended to reflect the new power.
- 1.3 The ERPF Cabinet Sub-Committee has considered in excess of 200 applications since its first meeting in July 2011, and it has become clear that the guidance and criteria need amending to ensure that the core purpose of the fund is upheld that residents are consulted sufficiently and appropriately and that the criteria and governance arrangements are robust.

2. RECOMMENDATIONS

- 2.1 That Cabinet consider the report, comment on the recommendations and submit the report to the Council for approval.
- 2.2 Council is recommended to approve the revised Enfield Residents Priority Fund guidance (Appendix A).

3. BACKGROUND

- 3.1 Council approved the overarching Enfield Residents Priority Framework at their meeting on March 6th 2011, and the final version of the guidance and toolkit at their meeting on April 6th. This guidance has been used to deliver the Enfield Residents Priority Fund (ERPF) during 2011-12.
- 3.2 One of the main considerations that have informed the ERPF Cabinet Sub-Committees decisions has been the contribution a project will make to improving the social, economic or environmental wellbeing of the area, as set out in the Local Government Act 2000.
- 3.3 This wellbeing power has been superseded by a measure in the Localism Act, which received royal assent in December 2011. The 'general power of competence' gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited. The ERPF guidance has, been amended to reflect this change in the law.
- 3.4 The ERPF Cabinet Sub-Committee has considered in excess of 200 applications since its first meeting in July 2011, and it has become clear that the guidance and criteria need amending to ensure that the core purpose of the fund is upheld and that residents are consulted sufficiently and appropriately.
- 3.5 The Sub-Committee has agreed that the guidance be amended to include the following changes :
 - a. The guidance on consultation with local residents has been strengthened to encourage members to engage more widely with their residents; and that groups consult with the wider ward population as well as their members / clients. Evidence of effective consultation will need to be attached to each application, before submission to the ERPF Cabinet Sub-Committee.
 - b. Applicants submitting proposals that cover more than one ward must submit a separate form for each ward, breaking down the cost and listing the benefits for each ward. This enables ward councillors to make a considered decision, based on defined benefits for their ward. If agreement from more than one ward is required to make a project viable, this should be clearly stated on each application form.
 - c. Where applications are submitted by organisations or individuals not based in Enfield, they should demonstrate a clear connection to the ward or wards in which they plan to deliver their project, or evidence of support for their work from local people.
 - d. The Cabinet Sub-Committee have been concerned about applications for public bodies, such as the police. For 2012/13

onwards, funding will be given to public bodies only for projects that go over and above the services that they are required to provide. The project bid must show this clearly and indicate how it links to existing service provision.

- e. In addition to providing information on other funding being used to support the proposed budget, applicants will be required to provide details of all funding they are receiving, both from the Council and external bodies. This is intended to avoid 'double funding'.
- f. Applications relating to services for children and young people must will be required to comply with an additional criterion relating to adherence to child protection policies.
- g. It will be clearly stated that funding will not be released to any organisation that has failed to comply with the terms of funding agreements with the Council or a body commissioned by the Council to administer distribution of funding. Funding will also not be released to any organisation that owes money to the Council or if there are serious doubts about the financial stability of the organisation.
- h. Members and residents have found the application form complicated to complete, so guidance and prompts for each question have been added to the guidance.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative would be to retain the guidance in its current form. This would mean that the Council would not be able to take advantage of the greater flexibility that the general power of competence offers. It would also fail to take account of the learning from the first year of the Fund's operation and the changes that will improve the effectiveness of the Fund.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The ERPF guidance needs updating to reflect the new general power of competence that replaces the wellbeing power, one of the key criteria of the Enfield Residents Priority Fund. The updated guidance will also reflect the learning from the first year of the Fund, ensuring that the Fund is best able to deliver real improvements for residents and their local areas.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

The scheme will run over three years with a total value of £6.3m including £2.1m revenue. Funding is included in the medium term

financial plan based on the 2:1 capital/revenue split and therefore assumes £700k of revenue and £1.4m Capital in 2012/13.

Spending in 2012/13 will be closely monitored throughout the year and the amount committed on both revenue and capital will be reported on a monthly basis to the ERPF sub committee. Financial Updates on the ERPF fund will also be included in the Council's monthly revenue monitoring reports to cabinet

6.2 Legal Implications

The Council used its powers under Section 2 of the Local Government Act 2000 (LGA 2000) to set up the fund and to approve each individual project.

- 6.2.2 The Localism Act 2011 (Commencement No. 3) Order 2012 (SI 2012/411) brought the general power of competence into force for principal local authorities. The introduction of the general power of competence means that the well-being power no longer applies to English Local Authorities and as such the general power of competence will provide the Council with the power to approve each individual project under the ERPF.
- 6.2.3 The general power of competence is set out in s. 1.1 of the Localism Act 2011 and states that "A local authority has power to do anything that individuals generally may do. Ss (2) states that Subsection (1) applies to things that an individual may do even though they are in nature, extent or otherwise— (a) unlike anything the authority may do apart from subsection (1), or (b) unlike anything that other public bodies may do." Where the authority can do something under the power, the starting point is that there are to be no limits as to how the power can be exercised. For example, the power does not need to be exercised for the benefit of any particular place or group, and can be exercised anywhere and in any way. Section 2 sets out the boundaries of the general power, requiring local authorities to act in accordance with statutory limitations or restrictions
- 6.2.4 As the fund is still to be allocated in accordance with the level of deprivation (based on the national indices of deprivation) in each ward, the changes to the guidance are necessary to ensure that the fund is administered to meet the core purpose of the fund and to ensure there is adequate resident consultation.
- 6.2.5 The sub-committee will not however have to consider in relation to each project whether the well-being objective has been met.

6.3 Property Implications

None

7. KEY RISKS

- 7.1 Where risks exist to project delivery they are closely managed through robust performance management systems.
- 7.2 Risk is significantly reduced where projects are managed and/or delivered by the Council. It will be essential to have clear exit strategies and to communicate these effectively to relevant partners and communities.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The funding programme is designed to help reduce inequalities by targeting funds at ward level in accordance with levels of need as identified through the IMD.

8.2 Growth and Sustainability

The fund will help to create stronger communities by securing greater involvement from local people within their communities and heightening engagement with the Council. It will also help refine and increase the effectiveness of services provided by the local authority.

8.3 Strong Communities

By empowering local communities and making the council more accountable to them, it is anticipated that the Enfield Residents Priority Fund will serve as a flagship programme for improving the resilience of our local communities and reconnecting them to the Council.

9. EQUALITIES IMPACT IMPLICATIONS

A Predictive Equality Impact Assessment has been completed which includes an action plan which is held by Communities, Communications, Policy and Performance Division. This will be reviewed in the light of the changes proposed in this report.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

A comprehensive performance management framework has been put in place, which ensures that applications are quality assured prior to approval; that the funds granted are spent on delivering the project and are appropriately accounted for; and that the projects deliver the specified outcomes

Background Papers

None.

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1. Introduction

1.1. The Enfield Residents' Priority Fund (ERPF) has been established with the key aim of addressing local need within wards, through the funding of projects, (set up using the Council's wellbeing power which has been replaced by the general power of competence, introduced by the Localism Act), which demonstrate a capacity to reduce need within a given ward. It will be necessary to demonstrate a likelihood of participation by, or benefit to, residents of more deprived areas of the ward, as well as residents in general (where participation or benefit is also considered likely by or to residents outside those areas). The scheme will aim to encourage local communities to identify their priorities by working with their local ward Councillors.

1.2. The ERPF encourages a deeper level of engagement between ward councillors and those who live, work, study and do business in Enfield. By working with their ward councillors to identify projects to address local needs and contribute to the Council's strategic objectives, local people are able to promote or improve wellbeing in their neighbourhoods.

1.3. Table 1 below, shows the links between the Council's strategic objectives and the range of needs contained within the Index of Multiple Deprivation (IMD)

Table 1

Council's Strategic Objectives	Examples of types of need reflected in the IMD that link to the Council's Strategic Objectives ¹
Fairness for all <ul style="list-style-type: none"> • Serve the whole borough fairly and tackle inequality • Provide high quality, affordable and accessible services for all • Enable young people to achieve their potential 	<ul style="list-style-type: none"> • Income • Employment • Education, skills and training • Barriers to housing and services
Growth and sustainability <ul style="list-style-type: none"> • A clean, green and sustainable environment • Bring growth, jobs and opportunity to the borough 	<ul style="list-style-type: none"> • Living environment • Education, skills and training • Employment
Strong communities <ul style="list-style-type: none"> • Encourage active citizenship • Listen to the needs of local people and be open and accountable • Provide strong leadership to champion the needs of Enfield • Work in partnership with others to ensure Enfield is a safe and healthy place to live 	<ul style="list-style-type: none"> • Crime • Health and disability • Education, skills and training (where likely to encourage active citizenship)

1.4. This guidance has been written to assist councillors and people interested in obtaining funding to develop and submit ERPF applications.

2. Ward allocations

2.1. The level of funding allocated to each ward is based on the IMD 2010 scores attained by each ward. Those with the highest scores (more deprived areas) have greater funding allocations. The allocated budgets for each ward can be found in Appendix 1. No ward is allowed to exceed its annual budget.

2.2. IMD is based on the concept that there are distinct, recognisable types of need that are experienced by individuals living in an area. Statistical techniques are used to combine information on a range of economic and social issues. The resulting overall IMD scores are a weighted area level aggregation of the different dimensions of deprivation.

2.3. The scores take into account the following

types of deprivation or areas of need:

- Income
- Employment
- Health and disability
- Education, skills and training
- Barriers to housing
- Crime
- Living environment.

3. Community engagement and residents' priorities

3.1. Public participation is key to the successful delivery of the ERPF. Ward Councillors must consult their residents to gather ideas about potential projects and help the communities put forward their views and develop ideas for projects in their localities. Engagement will vary between wards and neighbourhoods and will depend upon the nature of the project and sections of the community involved.

3.2 Consultation should be open and user friendly. Councillors should make full use of the full range of engagement methods including:

- Public meetings
- Local group meetings
- Area forums
- Newsletters
- Websites and blogs
- Social media and twitter – particularly for engaging young people

3.3 Proposals from community groups and organisations must demonstrate consultation with and support from the wider local community, not just members or service users. Similarly, proposals from individuals should show significant local support.

3.4 All applications are initially sent to the respective ward councillors for consideration. They should ensure that there is sufficient funding available, that the forms are complete, meet the criteria, and provide sufficient detail and evidence of consultation. The ward councillors must then decide unanimously, whether to recommend the proposal for decision by the Cabinet sub-committee. Completed forms must indicate that all the ward councillors support the proposal, or if this is not the case give reasons for non-support. Forms must be signed by one or more of the ward councillors before submission to the Corporate Performance and Information Team.

3.5 In all cases the Cabinet sub-committee will be provided with a report, prepared by the Council's Corporate Performance and Information Team detailing both the projects being recommended and those that are not. This report will include legal advice on how it meets the criteria and financial advice.

4. Eligibility criteria

4.1 All projects funded through the Residents Priority Fund must demonstrate that:

- One or more of the areas of need set out in the IMD is addressed.
- Residents living in the deprived areas of the ward or affected by one or more IMD areas of need are likely to take-up or benefit from the project, as well as residents in general (where applicable)
- There will be a measurable or visible impact on the ward or part of the ward
- There has been wide-ranging consultation within the ward and evidence of support from local residents

4.2 The Residents Priority Fund application form requires applicants to demonstrate clearly that their project fulfils all of these criteria including evidence of consultation and engagement. Where necessary,

advice will be sought from relevant Council officers to determine the feasibility and/or propriety of councillor supported proposals.

4.3 Projects involving children and young people must demonstrate that due regard has been given to child protection issues and ensure that appropriate safeguards are in place.

4.4 Applicants submitting proposals that cover more than one ward must submit a separate form for each ward, breaking down the cost and listing the benefits for each ward. This enables ward councillors to make a considered decision, based on defined benefits for their ward. If agreement from more than one ward is required to make a project viable, this should be clearly stated on each application form.

4.5 Where applications are submitted by organisations or individuals not based in Enfield, they should demonstrate a clear connection to the ward or wards in which they plan to deliver their project, or evidence of support for their work from local people.

4.6 Funding will only be given to public bodies for projects that go over and above the services that they are required to provide. The project bid must show this clearly and indicate how it links to existing service provision.

4.7 Compliance with these criteria ensures that potential projects can be simply and robustly evaluated, underpinned by ward councillors' local knowledge and expertise and available baseline data.

5. Governance arrangements

5.1. The Enfield Residents' Priority Fund is managed by the Council's Performance and Information Team who manage the delivery of the ERPF and co-ordinate the provision of advice and/or assistance with:

- Engagement with residents
- Development of project bids
- Application process
- Post approval implementation and delivery.

Contact:

Nick Bowater, tel. 020 8379 3782

email nicholas.bowater@enfield.gov.uk

Peter Doherty, tel. 020 8379

email peter.doherty@enfield.gov.uk

Alison Trew, tel. 020 8379 3186,

email alison.trew@enfield.gov.uk

Email residentsfund@enfield.gov.uk

5.1 To ensure that the approval process is democratically accountable and involves the community, all shortlisted proposals from ward councillors are checked and quality assured by officers. Summaries of all projects are published with reasons for recommendation or non-recommendation.

5.2. A Cabinet sub-committee has been established that meets monthly to consider applications received. The sub-committee has authority to reject projects, or to modify them, including where the projected costs of a shortlist exceeds the allocation for a ward.

5.3. The Cabinet sub-committee operates under delegated authority from Cabinet and all decisions will be subject to the normal processes of the Council.

5.4. Projects are delivered through the following arrangements:

- Council and its partners
- Third sector providers

- Council and/or partners and key stakeholder groups and
- Other service providers as approved by the Council.

5.5. The Council will ensure that the impact of the fund is visible in the community through branding, communication and promotion.

5.7. Where a Councillor has a personal or prejudicial interest under the Councillor Code of Conduct, they have to fully declare this as part of the project proposal submission and, if appropriate, be removed from the approval process.

5.8. The promoter of the bid must demonstrate an established connection to their ward and be content to have the names of the project and bidders published on the Council's website. Successful bids are required to highlight that the project is sponsored by Enfield Council.

5.9 In addition to supplying details of other funding being used to support the project proposal, groups applying for funding under the ERPF must give details of all funding they are receiving, both from the Council and external bodies.

5.10. The fund is intended for the development of capital projects. Project bids should be time limited, one-off spend. Projects requiring further funding will need strong justification for submitting an application for another year. These will be subject to complete reappraisal by their community and the Council (through the rules and stipulations in this guidance) with no guarantee of further funding.

6. Finance arrangements

6.1. Where possible, projects are funded in arrears. If this is not possible (for example, if the applicant does not have sufficient funds to purchase the agreed items without first receiving funding) then the project is funded in advance and subject to a risk assessment by the Council. Once funding has been agreed, all receipts on items purchased through the fund must be handed to the Council by the project sponsor(s).

6.2. The entire budget for the Fund is controlled by the Council's Corporate Performance and Information Team. Funding is not released until a signed contract has been returned to the Corporate Policy and Performance Team. This system is the same for all projects whether funded in advance or arrears. Where projects are being delivered by Council departments a service level agreement is drawn up and signed by the appropriate Assistant Director. Funding is then released as spend is incurred.

6.3. Funds are only paid to organisations that are legally constituted groups. Funds are paid via BACS into the organisation's bank account. Funds are not paid into a private individual bank account(s). Alternatively, projects are commissioned by the Council, or in the case of equipment, purchased by the Council on behalf of the applicant.

6.4 Funding will not be released to any organisation that has failed to comply with the terms of funding agreements with the Council or a body commissioned by the Council to administer distribution of funding. Funding will also not be released to any organisation that owes money to the Council or if there are serious doubts about the financial stability of the organisation.

6.4. It is the responsibility of the provider to properly account for, and declare, any income received by the Council to HMRC, the Charities Commission or other organisations as required legally or by their terms of operation.

6.5. The Council determines the ownership of assets purchased through the ERPF. Where assets are transferred to the community the cost of maintaining the asset and upgrades will not be borne by the Council.

6.6. Bidders must be able to demonstrate visible evidence of what the project has delivered, and sample variation checks will be carried out to ensure probity. In the event of those in receipt of the fund being unable to demonstrate such evidence, the Council reserves the right to suspend funding and to

recover up to 100% of the total sum allocated. The Council reserves the right to ask for an update at any time.

7. Performance management and delivery

7.1. The Corporate Policy and Performance Team monitors and reports on projects in operation and manages performance on a regular basis. The level of performance monitoring is proportionate, determined by the complexity of the project and amount of funding involved.

7.2. Performance is measured in a number of ways e.g. by ensuring that the funding is spent as agreed in the contract and that timescales are being adhered to and outcomes achieved.

7.3. The milestones used to measure the success of each project are agreed with The Performance and Information Team before the project commences. The monitoring form requires the project sponsor to detail progress against the milestones, achievement of the project's outcomes and profiled spend. An end-of project approach will be taken for one off payments and small grants.

7.4. An annual evaluation of the Fund will be carried out by the Council's Audit team that will include reviews of governance and performance management arrangements as well as support to Councillors.

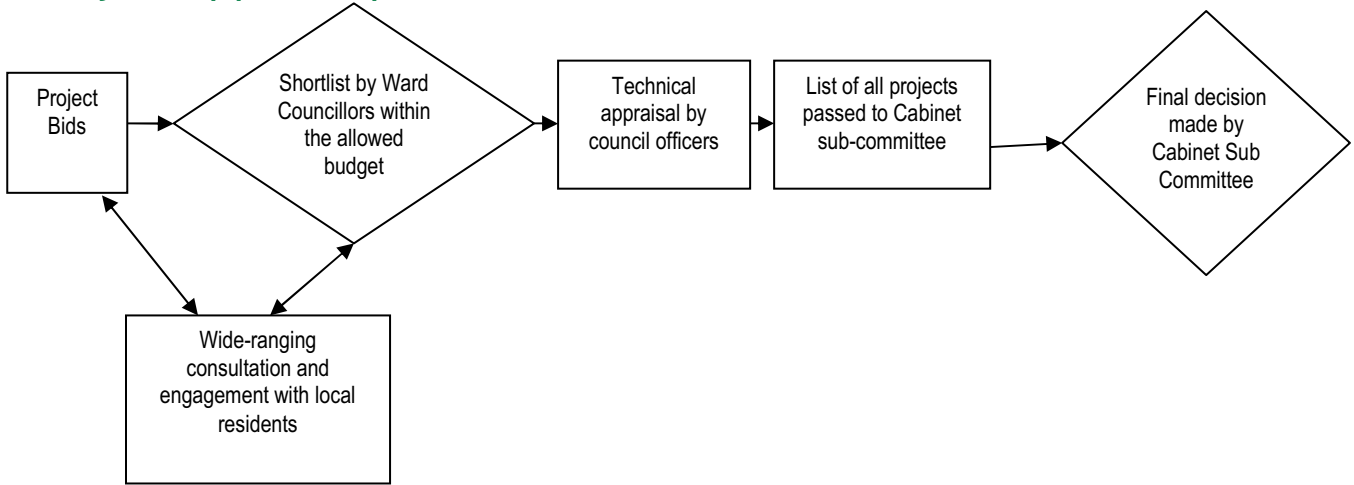
7.5. Ultimate responsibility for administration and management of the Fund and ward Councillor support on behalf of the Council will be met by use of corporate resources within the local authority.

8. Small grants

8.1. Small grants are available up to and not exceeding £500 per project. Small grants in total must not exceed 5% of the ward allocation.

8.2. The eligibility criteria, finance arrangements, performance management and delivery arrangements for small grants are the same as those for the main fund but with a simpler model to reflect the amounts concerned. Applicants need to provide details of how the grant will be spent and agree proposed outcomes with the relevant ward Councillors and council officers, for submission to the Cabinet sub-committee for approval. Sample variation checks will be carried out to ensure probity.

Project approval process



Appendix 1

Ward allocation figures

Ward	Index of Multiple Deprivation	% split	Allocation
Edmonton Green	47.1	8.79%	£185,000
Upper Edmonton	39.8	7.43%	£156,000
Lower Edmonton	36.3	6.77%	£142,000
Ponders End	35.7	6.66%	£140,000
Turkey Street	34.4	6.42%	£135,000
Haselbury	32.9	6.14%	£129,000
Enfield Highway	32.5	6.06%	£127,000
Enfield Lock	30.8	5.75%	£121,000
Jubilee	30.2	5.64%	£118,000
Southbury	29.3	5.47%	£115,000
Bowes	26.4	4.93%	£103,000
Chase	25.4	4.74%	£99,000
Palmers Green	22.9	4.27%	£90,000
Southgate Green	19.0	3.55%	£74,000
Highlands	14.6	2.72%	£57,000
Winchmore Hill	14.5	2.71%	£57,000
Cockfosters	14.2	2.65%	£56,000
Bush Hill Park	13.7	2.56%	£54,000
Southgate	13.1	2.44%	£51,000
Town	12.9	2.41%	£51,000
Grange	10.1	1.89%	£40,000
	535.8	100%	£2,100,000

The application form

The ERPF application form enables ward councillors and the Council's Performance and Information Team to assess the project and to ensure that it meets the criteria detailed in section 4 of this document. Therefore it is vital that full information is provided and that all sections are completed.

If applicants have any queries about the form or difficulties in completing it, they should contact the Performance and Information Team.

Listed below are some prompts to help applicants complete the form:

- Q1 – This must include the full name, address telephone number and email address (if possible). If the applicant is an individual, their address, telephone and email will not appear on the public list.
- Q3 – Please specify the ward to which the application refers. If is a project that will be delivered across more than one ward, a separate form must be completed for each ward, breaking down the cost and listing the benefits for each ward.
- Q4 – Please specify who will be delivering the project in practice. Evidence relating to their experience in delivering similar projects would be helpful
- Q5 – What will the project do? What effect will the project have on the local community?
- Q6 - What consultation have you, or the ward councillors, organised to establish that there is general support for the project in the ward or the particular area in which the project will be delivered? How many people were consulted? Details of the consultation (e.g petitions, surveys, minutes of meetings, photos of events) **must** be provided with the application.
- Q7a – What particular local need(s) will the project address? How do you know the need(s) exist? How will the project improve the wellbeing of the area?
- Q7b – How many people will benefit from the project? How will you ensure that residents in more deprived parts of the ward will participate in the project? How will you promote the project and recruit suitable participants?
- Q8 – Indicate the area(s) of deprivation the project addresses and how it does this
- Q9 – The project must address one or more of the Council's strategic objectives
- **Fairness for All** – Is the project targeted at particular disadvantaged groups, or aimed at improving the environment or people's wellbeing in deprived areas of the ward.
 - **Growth and Sustainability** – Will the project contribute to improving the green or built environment in the ward? Will it contribute to reducing unemployment or increasing skills in Enfield?
 - **Strong Communities** – Will the project bring local people together to improve their local area? Will it encourage local people to take responsibility for parts of their local area? Will it make a positive contribution to improving the health of local people or improve community safety?
- Q10 – Where appropriate, how will you make the project sustainable over time? Do you anticipate applying to the ERPF again to keep the project going?
- Q11 – If milestones to measure the progress of the project have been set, fill in this section. If this is not the case, milestones will be agreed between the project proposer and the Performance and Information Team
- Q12 – Use this section to supply any information that will help ward councillors to make the decision on whether to recommend the project for approval. **If your project involves children and young people, indicate how child protection issues will be addressed.**

- Q13 – Please provide a breakdown of the funding applied for. This should include numbers and type of equipment; number of staff, hourly rate and hours to be worked; hire charges for premises etc; details of ancillary costs, such as catering and administration.
- Q14 – Please provide details of funding from other sources, either an organisation's own funds or from other organisations, that has been secured to deliver the project
- Q15 – Groups applying for funding from the ERPF must also give details of all funding they are receiving, both from the Council and external bodies
- Q16 – Consideration should be given to the risks involved in delivering the project. These might include:
- Failure to recruit sufficient participants
 - Failure to recruit suitably qualified staff
 - Failure of the project to achieve the intended outcomes for the community.
- Q17 – Please list all the supporting documentation being supplied with the application e.g. surveys, petitions, meeting minutes, evidence from previous similar projects.

Resident Priority Fund Application Form



RPF Approval Reference No:
(office use only)

--	--	--	--	--	--	--	--

Date:

--

Section 1: General Information

Q1. Name of Organisation, Project Promoter and Address

--

Telephone:

--

Email:

--

Q2. Project Title

--

Q3. Borough ward

--

Q4. Who will the project be delivered by? (Organisation name, address and contact no.)

--

Q5. Briefly describe the project and highlight the impact that this will have on your community.

--

Q6. Please give details of consultation activities undertaken with the community to show general support the project bid. Please also attach evidence

--

7. Indicate the likelihood in your view of take-up by, or benefit to, residents of more deprived parts of your ward; as well as residents in general.

--

Q8. Please select the area(s) of need the project seeks to address and briefly describe how the project will achieve this.

Income Employment	<input type="checkbox"/>	Education, skills and training	<input type="checkbox"/>	Crime	<input type="checkbox"/>
Health and disability	<input type="checkbox"/>	Barriers to housing and services	<input type="checkbox"/>	Living environment	<input type="checkbox"/>

--

Q9. Describe how the project will address the Strategic Objectives of the Council as set out below.

(a) Fairness for All: Tackling inequality and vulnerability

--

(b) Growth and Sustainability: Promoting a clean, green and sustainable environment, bringing jobs and opportunity to the local area

--

(c) Strong Communities: Encouraging active citizenship, responding to local needs and promoting local leadership

--

Q10. Is this a one off spend?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If 'No', please identify additional costs, timescale and funding resources
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Section 2: Measuring Success**Q11. Have project milestones and key outcomes been agreed with ward Members and council officers?**

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Please list the agreed key Milestones for the project:

Progress against Milestones	By When	Progress Update

Q12. Please supply any additional information relevant to the project application being submitted.

--

Section 3: Project Budget

Q13. Total funding to be allocated to this project.

Project Items to be funded	Amount £
Total	

Q14. Is any other funding to be used to support this project?

Yes No If 'Yes', please provide details of funding source(s)

--

Q15a. If you are an organisation, are you in receipt of any other funding from the Council or external funding bodies?

Yes No If 'Yes', please give details

--

Q15b. If you are an organisation, do you currently owe money to Enfield Council?

Yes No If 'Yes', please give details

--

Section 4: Risk Assessment

Please identify all forms of identified risk, financial and non-financial, that will impact on the delivery of the target. The council will work with the lead promoter to identify and mitigate any risk in delivery of the project.

Q16. Risk Assessment					
Risk Identified	Consequence	Impact if occurs High/Med or Low	Likelihood of Risk Occurring Unlikely/ Possible or Likely	Controls in place to mitigate risk	Proposed Remedy if risk Occurs

Q17. Attached Documents and Evidence.

Please list all attached documents and evidence that are either sent electronically, or in hard copy form.

--

CERTIFICATE OF CLAIM				
<p>I certify to the best of my knowledge, the entries on the application form attached are true, accurate and complete and that the project is in accordance with the terms and conditions of grant. In the case of Capital Grants the assets covered in this application are new and will not subsequently be leased, sub-let, relocated or disposed of without the prior written consent of LBE.</p> <p>I confirm that I am authorised to sign this application form on behalf of the organisation named within this application form (where applicable).</p>				
Short listed for approval by the 3 ward Councillors (to be completed by a ward Councillor				
Yes	No	If 'No', please state reason		
Applicant's Name (Print):			Signed:	
			Date:	
Ward Councillor's Name (Print):			Signed:	
			Date:	
For completion by Councillors: Please declare any personal or prejudicial interests relevant to the applicant or the application you are supporting.				
No	Yes	If 'Yes', please detail		

All completed applications to be supported and signed off by the appropriate ward Councillors, then sent to: Joanne Stacey, Performance and Information Team (CCPP), PO Box 61, London Borough of Enfield, Civic Centre, Silver Street, Enfield EN1 3XA

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MUNICIPAL YEAR 2011/2012 REPORT NO. **214**

MEETING TITLE AND DATE:

Cabinet - 21 March 2012
Council – 28 March 2012

REPORT OF:

Ray James - Director of
Health, Housing and Adult
Social Care

Contact officer and telephone number:

Kate Charles
Deputy Joint Chief Commissioning Officer
Health, Housing and Adult Social Care

E mail: kate.charles@enfield.gov.uk

Ph: x 8066

Agenda – Part: 1	Item: 13
Subject: Enfield Joint End of Life Care Strategy 2012 - 2016	
Wards: ALL	
Cabinet Member consulted:	
Councillor Don McGowan	

1. EXECUTIVE SUMMARY

- 1.1 This report recommends the approval of a 5 year commissioning strategy and costed implementation plan for End of Life Care jointly with NHS Enfield. The full strategy and supporting documents are available online and in the member's library.
- 1.2 The strategy sets out how Enfield will develop and deliver health and social care services to better meet the needs of people nearing the end of their life over the next 5 years (2012-16). It outlines 11 strategic objectives that were developed in partnership with local stakeholders; each of which is aligned with the National End of Life Care Strategy (2008)¹ and supported by a robust rationale.
- 1.3 The development of this strategy has been guided by the expert advice of the Enfield End of Life and Palliative Care Steering Group, which includes representation from Public Health, Primary Care, Acute Sector, Adult Social Care, London Ambulance Service, Community Services and the Voluntary and Community Sector.
- 1.4 Formal public consultation on this strategy was undertaken over a 3 month period ending 7 October 2011. Submissions were reviewed and considered and a number of changes to the strategy were made as a result. A summary document 'Delivering Choice: Enfield's Joint Commissioning Strategy for End of Life Care (2012 – 2016) - A Summary of Submissions received in response to Consultation' has been prepared and is available in the member's library. This document describes the consultation process, summarises the feedback received and sets out the Council and NHS Enfield response to the comments and suggestions that were submitted.

¹ End of Life Care Strategy: Promoting high quality care for all adults at the end of life. Department of Health. 2008.

- 1.5 A predictive equalities impact assessment has been undertaken and is available in the member's library.
- 1.6 The strategy was reviewed by Partnership Boards, the Health and Wellbeing Board, the Older Peoples and Vulnerable Adults Scrutiny Panel, and the PCT Professional Executive Committee. A number of helpful comments were received which influenced the final strategy.
- 1.7 Research suggests that two-thirds of people would prefer to die at home, while in reality only about one-third of individuals actually do². The National End of Life Care Intelligence Network shows that from 2008-2010 the majority of deaths in North Central London occurred in hospital, with Enfield the highest at 67% (Haringey 64%, Barnet 59%, Islington 56% and Camden 56%).
- 1.8 This strategy aims to ensure that we deliver better quality of care and greater choice in End of Life Care. The primary focus is on increasing the number of people who are able to exercise a positive choice about their place of death. If people are properly supported to exercise choice, evidence suggests that significantly more people will choose to die outside of the hospital setting (home, care home, and hospice) and avoid unnecessary admissions and treatments. In order to achieve this, focussed efforts need to be made to increase identification of patients who are at the end of their life, increase the number of people who are given the opportunity to plan their care in advance, improve co-ordination of care, and further develop community based services.
- 1.9 This strategy has been developed in the context of an extremely challenging financial environment as well as major changes to the way health services are commissioned. Councils are being asked to reduce their budgets year on year, and NHS organisations are working hard to improve their financial positions and reduce their deficits. PCTs are being abolished and Clinical Commissioning Groups will have a new role in commissioning health services for their population. It will therefore be more important than ever that health and social care commissioners and providers work in partnership to implement this strategy and develop shared solutions to improving quality. Over the longer term, investment will need to shift from the acute sector to the community in order to reduce the number of people dying in hospital. This will be both a more efficient use of limited resources and an improvement in quality, choice and control for people at the end of their life.
- 1.10 Implementation of the strategy will require a total investment of £415,000: £5,000 in year 1 (2011/12), £155,000 in year 2 (2012/13), £155,000 in year 3 (2013/14) and £100,000 in year 4 (2014/15). As detailed in the attached implementation plan, funding for years 1 – 3 will be met by Enfield Council from the NHS Allocation for Social Care. There is an expectation that from year 4 funding for palliative community support services and ongoing quality improvement activities will be met by health from savings due to reductions in acute activity.
- 1.11 The strategy aims to reduce deaths in hospital from the current rate of 67% of all deaths to 50% of all deaths³ by 2014/15. Local modelling suggests that achieving this target will reduce hospital non-elective admission costs by £319,383 in 2012/13, £406,129 in year 2013/14 and £642,709 in 2014/15 – a total of £1.37

² Higginson IJ (2003). *Priorities and Preferences for End Of Life Care in England, Scotland and Wales*. London: National Council for Hospice and Specialist Palliative Care.

³ Commissioning Support for London recommended target

million over 3 years. Taking in to account the investment required to achieve this targets, a net saving to the NHS of £968,221 by 2014/15 is projected.

2. RECOMMENDATIONS

2.1 Cabinet is asked to:

- i) Approve the Enfield Joint End of Life Care Strategy (2012-16).
- ii) Approve the Enfield Joint End of Life Care Strategy (2012-16) implementation plan.

3. BACKGROUND

The Joint End of Life Care Strategy (2012 – 2016) has been developed as a local response to the National End of Life Care Strategy (Department of Health, 2008). The strategy addresses a number of shared priorities that are identified in Enfield's Joint Strategic Needs Assessment, including long term conditions and improved access to health and wellbeing information. It also links to a number of other strategies including the Health and Wellbeing Strategy, Local Area Agreement, and other agreed joint commissioning strategies for Dementia and Stroke services.

The strategy aims to ensure that we deliver better quality of care and greater choice in End of Life Care. The primary focus is on increasing the number of people who are able to exercise a positive choice about their place of death. If people are properly supported to exercise choice, evidence suggests that significantly more people will choose to die outside of the hospital setting (home, care home, and hospice) and avoid unnecessary admissions and treatments. In order to achieve this, focussed efforts need to be made to increase identification of patients who are at the end of their life, increase the number of people who are given the opportunity to plan their care in advance, improve co-ordination of care, and further develop community based services.

3.1 Consultation

Formal public consultation on the draft End of Life Care Strategy was undertaken over a 3 month period to 7 October 2011.

A summary of submissions received in response to the consultation is available online and in the member's library. This document describes the consultation process, summarises the submissions, and sets out the Council and NHS Enfield response to the comments and suggestions that were received.

The strategy was also reviewed by Partnership Boards, the Health and Wellbeing Board, the Older Peoples and Vulnerable Adults Scrutiny Panel, and the PCT Professional Executive Committee. A number of helpful comments were received which influenced the final strategy.

3.2 Funding

Specialist End of Life Care Services are funded by the NHS. Social Care plays an important role in supporting individuals approaching the end of their life and can help ensure their wider needs – including practical day-to-day requirements – are understood and addressed.

An implementation plan detailing resources required to implement this strategy has been developed and is attached. The majority of the commissioning intentions set out in the strategy can be implemented with out additional resources through better use of existing resources and through improving quality, co-ordination, information and access. The need for funding to be invested in years 1-4 of the strategy has been identified in order to:

- Commission a Palliative Care Community Support Service
- Resource an awareness raising campaign to compliment and reinforce national awareness raising activities
- Ensure capacity to co-ordinate the development of End of Life Care Services and support providers to attain the Gold Standard Framework.

It is anticipated that full implementation of the strategy will result in net savings to the NHS of £968,221 due to a reduction in non-elective admissions as summarised in table 1 below.

Table 1: Projected Net Savings to NHS Enfield

	2011/12 (baseline)	2012/13	2013/14	2014/15	Total
Percentage of deaths occurring in hospital	67%	63%	58%	50%	-
Hospital Deaths	1372	1291	1188	1025	4876
Admissions prevented	0	81	103	163	347
Gross savings	£0	£319,383	£406,129	£642,709	£1,368,221
Investment (GSF)	£0	£50,000	£50,000	£0	£100,000
Investment (PCSS)	£0	£100,000	£100,000	£100,000	£300,000
Investment (awareness campaign)	£5,000	£5,000	£5,000	£0	£15,000
Net savings	£5,000	£169,383	£256,129	£542,709	£968,221

3.3 Enfield Joint End of Life Care Strategy (2012-16).

Our Vision

We will improve access to care that meets agreed national standards for all adults approaching the end of their life.

We will commission services that provide people with genuine choice about where they are cared for and where they die.

Our Commitment

Enfield Council and NHS Enfield are committed to achieving the following for the people of Enfield:

- All people approaching the end of their life will receive high quality care, treatment and support to meet their assessed needs.
- All people approaching the end of life will have the opportunity to make informed decisions about their care and treatment, in partnership with health and social care professionals and with their families and carers.
- Patients and their families will receive support appropriate to their needs to enable them, wherever possible, to die where they wish.
- Care and support will be provided in a way that preserves people's dignity and control.
- People will not suffer from unnecessary pain and suffering.
- Carers and families (including children) of people approaching the end of life will have their own needs assessed and regularly reviewed, and will be offered support appropriate to their needs and preferences.

We will develop an integrated performance management framework across health and social care that enables us to assess how well we are achieving these commitments. This will include strengthening feedback from patients and carers and working with local Dignity Champions to create user-defined measures through which we can define and monitor dignity locally.

Targets

Achievement of the following targets will be a key indicator of success:

- By 2015/16 90% of people who have died from advanced, progressive, incurable illness will have been enabled to exercise a positive choice about their place of death.
- By 2015/16 the number of deaths that occur in hospital will be reduced from 67% to 50% of all deaths.
- By 2015/16 90% of Care Homes will have attained Gold Standards Framework accreditation.
- By 2015/16 90% of GP practices will have attained Gold Standards Framework accreditation.
- By 2014 all GP practices will have a complete register available of all patients in need of palliative care/support.
- By 2015/16 90% of people who have been receiving End of Life Care die with the Liverpool Care pathway (or equivalent in place).
- All health and social care staff will receive appropriate training in End of Life Care.

Strategic Objectives

1. ENCOURAGE PEOPLE TO DISCUSS DEATH AND DYING

Without communication and understanding, death and terminal illness can be a lonely and stressful experience, both for the person who is dying and for their friends and family. Encouraging people to talk to their family and friends about dying will make it more likely that people will plan for their deaths and die as they wish to.

Engage with local communities to develop an awareness campaign that aims to break down taboos and encourage people to talk about their wishes towards the end of their lives, including where they want to die and their funeral plans with friends, family and loved ones.

Awareness activities will initially target Enfield Lock and Upper Edmonton, two areas with above average death rates and high levels of deprivation. We will seek advice from community leaders and organisations on the best approaches to raising awareness within their communities.

Engage with potential users of end of life care services who belong to vulnerable, marginalised or socially excluded communities to raise awareness of end of life care services.

2. IDENTIFY ALL PEOPLE NEARING THE END OF THEIR LIFE

Identification of people who are nearing the end of their life is the first step towards ensuring that people's needs and wishes are met. Sharing this information across the various organisations involved in peoples care is crucial for ensuring high quality palliative and end of life care services.

Identify all patients with end of life care needs through work with primary care on the effective use of GP Palliative care registers to enable proactive service planning and management of patients nearing end of life.

Work with primary care to ensure all GP practices hold regular multidisciplinary case review meetings where all patients on the palliative care register are discussed.

Ensure all GP Practices inform Barndoc, (Enfield's out of hours GP provider) and the ambulance service of any patients who are Palliative care patients or who have any other special health/social needs out of hours.

Explore the practicalities of sharing the palliative care register information with the London Ambulance Service through a new CQUIN⁴ that will build upon successful pilots during 2010/11.

⁴ CQUIN (Commissioning for Quality and Innovation) is a payment framework that enables commissioners to reward excellence by linking a proportion of providers' income to the achievement of local quality improvement goals.

3. EFFECTIVE CARE PLANNING

All people approaching the end of life need to have their needs assessed, their wishes and preferences discussed and an agreed set of actions reflecting the choices they make about their care recorded in a care plan. Care plans should be available to out of hours and emergency services.

Commission training on advance care planning for health professionals in primary care, community services and the acute sector.

Ensure that each person receiving end of life care has an opportunity to make an advanced care plan.

Develop a system to ensure that out of hours and emergency/urgent care services are able to access patients care plans.

Support primary care to fully implement the Gold Standard Framework⁵.

4. COORDINATED CARE ACROSS ORGANISATIONS

Co-ordination of care across different organisations is vital to enable the effective use of capacity and scarce resources to ensure the patient has timely access to high quality services.

Ensure that everyone approaching the end of their life receives coordinated care, in accordance with their care plan, across sectors and at all times of day and night.

Develop and implement an effective local model to support the co-ordination of patient care, which includes the development of a single point of access.

Support care homes to implement the Liverpool Care Pathway.

Further develop out of hour's service provision for end of life care.

Out of Hours providers will have full access to all the standard Palliative Care drugs from April 2011.

5. DEVELOP RAPID ACCESS TO CARE

As the condition of a person may change rapidly, it is essential that services are organised without delay. Provision of 24/7 community services can avoid unnecessary emergency admissions to hospital and can enable more people at the end of their life to live and die in the place of their choice.

Develop and implement an agreed pathway for rapid access to services.

⁵ The Gold Standards Framework (GSF) is a systematic evidence based approach to optimising the care for patients nearing the end of life. It is concerned with helping people to live well until the end of life and includes care in the final year of life for people with any end stage illness in the community.

Ensure that funding mechanisms for rapid response services do not create barriers to rapid provision of services to meet identified needs.

Commission palliative care community support services that achieve the following outcomes:

- avoid crisis situations such as a breakdown in carer support
- enable a patient to remain in their preferred place of care
- avoid inappropriate hospice or hospital admissions
- allow rapid discharge home from hospital / hospice to support preferred place of care/death.

6. ENSURE ALL SERVICES ARE PROVIDING A HIGH QUALITY OF END OF LIFE CARE

The Gold Standards Framework (GSF) is a systematic evidence based approach to optimising the care for patients nearing the end of life and reducing the number of death that occur in hospital.

Support implementation of good practice models, such as the Gold Standards Framework and Liverpool Care Pathway, across primary care, care homes, district nurses, and local authority services.

Improve the quality of care provided in acute hospitals through implementation of guidance set out in 'The route to success in end of life care – achieving quality in acute hospitals' (NHS National End of Life Care Programme).

Develop integrated support services that avoid hospital admission and support care at home.

Introduce quarterly collection and analysis of complaints data related to End of Life Care and use to continuously improve service provision.

Include agreed standards for safeguarding and dignity in all specifications for End of Life Care services.

7. ENSURE GOOD CARE IN THE LAST DAYS OF LIFE AND AFTER DEATH

A point comes in the care pathway when the person enters the dying phase. It is vital that those caring for them should recognise that such a person is dying and that appropriate action is taken.

Good end of life care does not stop at the point of death. When a person dies, all staff need to be familiar with good practice for the care and viewing of the body and be responsive to carer and family wishes and cultural or religious and spiritual needs.

The manner in which professionals and volunteers respond to those who are bereaved can have a long term impact on how they grieve, their health and their memories of the individual who has died.

Ensure that the Liverpool Care Pathway⁶ is adopted and its use audited in all locations where people are likely to die.

Ensure all services dealing with people at the end of life have agreed resuscitation policies in place to support people's preferences about care.

Ensure organisations caring for people at the end of life have policies in place to ensure that care after death is sensitive and responsive to the cultural and spiritual needs of the deceased and their families.

Improve access to information on bereavement services, including developing a local directory of services.

8. INVOLVE AND SUPPORT FRIENDS AND FAMILIES

The family, including children, close friends and informal carers of people approaching the end of life, have a vital role in the provision of care. They need to be closely involved in decision making, with the recognition that they also have their own needs.

Ensure health and social care professionals involve family and carers in decision making and advance planning.

Ensure that the rights of carers to an assessment of needs are upheld.

Ensure that information is readily available on all local services, which will support those approaching the end of life and the bereaved, including: community support, funeral directors, social and health services, and the voluntary sector.

9. DEVELOP THE COMPETENCIES OF THE WORKFORCE

Ensuring that health and social care staff at all levels have the necessary knowledge, skills, behaviours and attitudes related to care for the dying will be critical to the success of improving end of life care.

Undertake a competency gap analysis across health, social care and the community sector.

Develop a comprehensive workforce plan that specifies how health and social care staff, and the voluntary and community sector will achieve the necessary competencies.

⁶ The Liverpool Care Pathway (LCP) framework is a clinical pathway that provides guidance to clinicians on how to improve care of the dying in the last hours/days of a patient's life. It provides guidance on indications for comfort measures, prescribing, and discontinuation of inappropriate interventions and meeting personal wishes for the last days of life.

Continue to raise awareness of the Mental Capacity Act (2005) among health and social care professionals in order to increase the number of people who are enabled to plan for their end of life care while they have the capacity to do so.

Ensure all contracts specify the competences required to deliver quality end of life care.

Ensure the workforce know how to access specialist advice.

10. DEVELOP A ROBUST MONITORING AND PERFORMANCE FRAMEWORK

End of life care is a very difficult area to measure and an even more difficult area in which to assess progress. Commissioners increasingly need to identify those factors which influence key clinical outcomes so that commissioning meets local strategic targets.

Develop a robust integrated performance management system across health and social care that enables us to monitor quality, outcomes and expenditure.

Strengthen feedback from patients and carers and develop mechanisms to enable involvement in the design, development and delivery of services.

Work with local Dignity Champions to create user-defined measures through which we can define and monitor dignity locally.

Strategic Objective 11: ENSURE VALUE FOR MONEY AND SUSTAINABILITY OF HOSPICE SERVICES

Rationale	Commissioning Intentions
<p>Currently PCTs across North Central London meet approximately 36% of the inpatient hospice costs through grant funding. Contributions per bed day range from £110 to £870 with variation both across the sector and within individual PCTs.</p> <p>Funding for Hospice services in Enfield has not been reviewed for many years and we want to ensure that we are commissioning in a way that meets the needs of the people of Enfield and ensures value for money.</p>	<p>Vary the payment mechanism for in-patient hospice care commissioned from St Josephs and Marie Curie from a grant based payment to a cost per bed day basis.</p> <p>Review funding to North London Hospice to ensure service viability and sustainability.</p>

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Strategy sets out the case for change and the rationale for the priorities chosen and supported by local stakeholders. It proposes an approach to commissioning End of Life Care Services that is consistent with national policy drivers and is in line with existing Council and NHS Enfield strategies.

5. REASONS FOR RECOMMENDATIONS

- 5.1 Prioritising End of Life Care and commissioning effective community interventions at the end of life can offer a real opportunity to both improve the quality of care experienced by patients and their families and reduce costs to the system. As some 1% of the population dies

each year, and the majority of these deaths take place in hospital, there is a significant opportunity for improvement.

- 5.2** The strategy is intended to meet local and national objectives for improving the experience of people approaching the end of their life and increasing patient choice.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

The End of Life Care Strategy will be funded from NHS Social Care funding resources awarded to the authority through the Finance settlement 2011. The authority was allocated £3.48m for 2011/12 and a further £3.32m for 2012/13.

An initial delegated authority report has been authorised which cascades the full NHS social care funding across the identified priority areas which link to the NHS collection categories.

The NHS Social Care Funding DAR identifies a contribution towards the End of Life Care program (Crisis Response) of £70k in year 1 (2011/12), £120k in year 2 (2012/13) and £120k in year 3 (2013/14). A total contribution of £310k has been earmarked over the three year NHS Social care funding plan.

The spending profile contained within the End of Life Care implementation plan is £5k in year 1 (2011/12) £155k in year 2 (2012/13), £155k in year 3 (2013/14) and a further £100k in year 4 (2014/15). A total anticipated spend of £415k over the four year plan. However funding for the fourth year of the plan will be met from NHS resources as a result of savings made over the first three years.

There is an estimated shortfall between the NHS Social care funding and the End of Life care plan of £5k. It is anticipated that the service will fund this via bids made against the corporate communication resources. In the event that the communication bid is unsuccessful then the shortfall will be funded from with existing resources

6.2 Legal Implications

The Governments aim in publishing this strategy is to improve the provision of care for all adults at the end of their life and their carers. The strategy requires local authorities and PCTs to work in partnership to consider how best to engage with the community to raise the profile of end of life and provide an integrated approach to commissioning.

The current Health and Social Care Bill plans to increase the Local Authority role in health improvement by abolishing PCTs and making the Local Authority responsible for pulling together the work of the NHS, social care, housing, environmental health, leisure and transport .The Bill creates a new role for the local Authority to join up local services and for health improvement to be driven via Health and Well Being Boards. Implementation of the strategy will form part of the enhanced Local Authority role in Health Improvement

7. KEY RISKS

- 7.1** There are no significant risks identified as a result of this strategy.
- 7.2** Implementation of service changes will be managed and considered in the context of proper risk management arrangements.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

- The strategy commits to engaging with people who belong to vulnerable, marginalised or socially excluded communities to raise awareness of the importance of planning for death and enabling more people to die as they wish to.

8.2 Growth and Sustainability

- The voluntary and community sector will be key partners in implementation of the strategy.

8.3 Strong Communities

- The strategy is intended to enhance services for the whole community.
- The strategy has been informed by the views of local residents who responded to the consultation.
- We will engage local communities and community leaders to gain advice on the best way to raise awareness and encourage people to talk about their wishes towards the end of their lives.

9. PERFORMANCE MANAGEMENT IMPLICATIONS

- 9.1** As part of the strategy implementation, an integrated performance management system across health and social care will be developed to enable us to monitor quality, outcomes and expenditure. An annual progress report on implementation of the strategy will be published and will report on progress towards implementing agreed commissioning intentions as well as key performance metrics, such as percentage of deaths occurring in hospital
- 9.2** The Quality Outcomes Framework (QOF) provides a framework for measuring primary care performance.
- 9.3** NICE have recently published a new quality standard for end of life care which we will use to inform the development of our local performance management framework.
- 9.4** There are a number of indicators within the New Local Area Agreement relevant to Health and Adult Social Care. In particular the following are most significant:
 - Carers receiving needs assessment or review and a specific carer's service, or advice and information.

- Number of Delayed Discharges from Acute Hospitals.

9.5 We will review the implementation of the strategy in January 2013 and thereafter produce and publish an annual report on implementation which will include performance on agreed outcome measurements.

10. HEALTH AND SAFETY IMPLICATIONS

No Health and Safety Implications arising directly from this report.

11. EQUALITIES IMPACT IMPLICATIONS

The strategy is intended to enhance access and quality of services for the whole community. A predictive equalities impact assessment has been undertaken and is available in the members' library.

Background Papers

The following background papers are available online and in the member's library:

- Enfield Joint End of Life Care Strategy (2012 -2016)
- Enfield Joint End of Life Care Strategy (2012 -2016): Summary of Submissions to Consultation
- Enfield Joint End of Life Care Strategy (2012 -2016): Predictive Equalities Impact Assessment
- Enfield Joint End of Life Care Strategy (2012 -2016): Implementation Plan
- National End of Life Care Strategy (Department of Health, 2008)

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JOINT END OF LIFE CARE STRATEGY (2012-2016): DRAFT IMPLEMENTATION PLAN

The following table sets out the draft implementation plan and indicative resource implications for the first 3 years of the 5 year strategy. Following approval of the strategy, more detailed work on the plan will be carried out in partnership with the End of Life and Palliative Care steering group and definitive yearly resource allocations will be agreed through the usual financial approvals process and as part of the Councils and PCT annual budget setting processes.

STRATEGIC OBJECTIVE	COMMISSIONING INTENTIONS	INDICATIVE RESOURCE IMPLICATIONS				COMMENTS
		Y1 (11/12)	Y2 (12/13)	Y3 (13/14)	Y4 (14/15)	
1: ENCOURAGE PEOPLE TO DISCUSS DEATH AND DYING	<p>Engage with local communities to develop an awareness that aims to break down taboos and encourage people to talk about their wishes towards the end of their lives, including where they want to die and their funeral plans with friends, family and loved ones.</p> <p>Awareness activities will initially target Enfield Lock and Upper Edmonton, two areas with above average death rates and high levels of deprivation. We will seek advice from community leaders and organisations on the best approaches to raising awareness within their communities.</p> <p>Engage with potential users of end of life care services who belong to marginalised or socially excluded communities to raise awareness of end</p>	£5,000	£5,000	£5,000	£0	<p>Funding is required for hosting community events and developing awareness resources such as posters, leaflets etc.</p> <p>Funding requested from corporate communications.</p>

STRATEGIC OBJECTIVE	COMMISSIONING INTENTIONS	INDICATIVE RESOURCE IMPLICATIONS				COMMENTS
		Y1 (11/12)	Y2 (12/13)	Y3 (13/14)	Y4 (14/15)	
	<p>of life care services.</p> <p>We will seek advice from community leaders and organisations on the best approaches to raising awareness within their communities.</p>					
2: IDENTIFY ALL PEOPLE NEARING THE END OF THEIR LIFE	<p>Identify all patients with end of life care needs through work with primary care on the effective use of GP Palliative care registers to enable proactive service planning and management of patients nearing end of life.</p> <p>Work with primary care to ensure all GP practices hold regular multidisciplinary case review meetings where all patients on the palliative care register are discussed.</p> <p>Ensure all GP Practices inform Barndoc, (Enfield's out of hours GP provider) and the ambulance service of any patients who are Palliative care patients or who have any other special health/social needs out-of-hours.</p> <p>Explore the practicalities of sharing the palliative care register information with</p>	£0	£0	£0	£0	Cost neutral Primary Care led service improvement activities.

STRATEGIC OBJECTIVE	COMMISSIONING INTENTIONS	INDICATIVE RESOURCE IMPLICATIONS				COMMENTS
		Y1 (11/12)	Y2 (12/13)	Y3 (13/14)	Y4 (14/15)	
	<p>the London Ambulance Service through a new CQUIN¹ that will build upon successful pilots during 2010/11.</p> <p>Palliative care registers will be established as part of the implementation of a single point of access in advance of the implementation of the national 111 number in 2013.</p>					
3: EFFECTIVE CARE PLANNING	<p>Commission training on advance care planning for health professionals in primary care, community services and the acute sector.</p> <p>Ensure that each person receiving end of life care has an opportunity to make an advanced care plan.</p> <p>Develop a system to ensure that out of hours and emergency/urgent care services are able to access patients care plans.</p> <p>Support primary care to fully implement the Gold Standard Framework².</p>	£0	£0	£0	£0	<p>Resourced from within existing workforce and market development budgets, and in partnership with specialist palliative care providers.</p> <p>Promote free e-learning courses provided by End of Life Care for All (e-ELCA) a Department of Health e-learning programme.</p>

¹ CQUIN (Commissioning for Quality and Innovation) is a payment framework that enables commissioners to reward excellence by linking a proportion of providers' income to the achievement of local quality improvement goals.

STRATEGIC OBJECTIVE	COMMISSIONING INTENTIONS	INDICATIVE RESOURCE IMPLICATIONS				COMMENTS
		Y1 (11/12)	Y2 (12/13)	Y3 (13/14)	Y4 (14/15)	
	Framework ² .					Utilise Protected Learning Time. Encourage G.Ps to access RCGP e-learning resources.
4: COORDINATED CARE ACROSS ORGANISATIONS	<p>Ensure that everyone approaching the end of their life receives coordinated care, in accordance with their care plan, across sectors and at all times of day and night.</p> <p>Establish a single point of access through which services are co-ordinated.</p> <p>Develop and implement an effective local model to support the co-ordination of patient care (for example, case co-ordination, case management/community matron models). The most effective model will be determined locally.</p> <p>Support care homes to implement the Liverpool Care Pathway.</p>	£0	£0	£0	£0	Cost neutral – service redesign and quality improvement activities.

² The Gold Standards Framework (GSF) is a systematic evidence based approach to optimising the care for patients nearing the end of life. It is concerned with helping people to live well until the end of life and includes care in the final year of life for people with any end stage illness in the community.

STRATEGIC OBJECTIVE	COMMISSIONING INTENTIONS	INDICATIVE RESOURCE IMPLICATIONS				COMMENTS
		Y1 (11/12)	Y2 (12/13)	Y3 (13/14)	Y4 (14/15)	
	<p>Further develop out of hours service provision for end of life care.</p> <p>Out of Hours provider will have full access to all the standard Palliative Care drugs from April 2011.</p>					
5: DEVELOP RAPID ACCESS TO CARE	<p>Develop and implement an agreed pathway for rapid access to services.</p> <p>Ensure that funding mechanisms for rapid response services do not create barriers to rapid provision of services to meet identified needs.</p> <p>Commission palliative care community support services that achieve the following outcomes:</p> <ul style="list-style-type: none"> • avoid crisis situations such as a breakdown in carer support • enable a patient to remain in their preferred place of care • avoid inappropriate hospice or hospital admissions • allow rapid discharge home from hospital / hospice to support preferred place of care/death. 	£0	£100,000	£100,000	£100,000	<p>Yr2-3 funded from NHS Funding allocation for Social Care.</p> <p>From yr 4 this service will be funded from efficiency savings made through reduction in acute admissions and decrease in acute length of stay. If these outcomes are not achieved and anticipated savings are not realised, the service will be decommissioned.</p>

STRATEGIC OBJECTIVE	COMMISSIONING INTENTIONS	INDICATIVE RESOURCE IMPLICATIONS				COMMENTS
		Y1 (11/12)	Y2 (12/13)	Y3 (13/14)	Y4 (14/15)	
6: ENSURE ALL SERVICES ARE PROVIDING A HIGH QUALITY OF END OF LIFE CARE	<p>Support implementation of good practice models such as the Gold Standards Framework across primary care, care homes, district nurses, and local authority services.</p> <p>Improve the quality of care provided in acute hospitals by:</p> <ul style="list-style-type: none"> • Work with Chase Farm and North Middlesex Hospitals to implement the guidance contained in 'The route to success in end of life care – achieving quality in acute hospitals' (NHS National End of Life Care Programme). • Assess the quality and range of End of Life Care services provided by Chase Farm and North Middlesex Hospitals and develop proposals for how these can be co-ordinated with community services in order to reduce avoidable hospital admission and support care at home. • Introduce quarterly collection and 	£0	£0	£0	£0	Funding identified against Strategic Objective 11.

STRATEGIC OBJECTIVE	COMMISSIONING INTENTIONS	INDICATIVE RESOURCE IMPLICATIONS				COMMENTS
		Y1 (11/12)	Y2 (12/13)	Y3 (13/14)	Y4 (14/15)	
	<p>analysis of complaints data related to End of Life Care and use to continuously improve service provision.</p> <p>Include agreed standards for safeguarding and dignity in all specifications for End of Life Care services.</p>					
7: ENSURE GOOD CARE IN THE LAST DAYS OF LIFE AND AFTER DEATH	<p>Ensure that the Liverpool Care Pathway is adopted locally and its use audited in all locations where people are likely to die.</p> <p>Ensure all services dealing with people at the end of life have resuscitation policies in place to support people's preferences about care.</p> <p>Ensure organisations caring for people at the end of life have policies in place to ensure that care after death is sensitive and responsive to the cultural and spiritual needs of the deceased and their families.</p> <p>Improve access to information on bereavement services, including developing a local directory of services.</p>	£0	£0	£0	£0	<p>Cost neutral quality improvement activities.</p> <p>Utilise internal resources to develop directory. Directory will be available</p>

STRATEGIC OBJECTIVE	COMMISSIONING INTENTIONS	INDICATIVE RESOURCE IMPLICATIONS				COMMENTS
		Y1 (11/12)	Y2 (12/13)	Y3 (13/14)	Y4 (14/15)	
8: INVOLVE AND SUPPORT FRIENDS AND FAMILIES	<p>Ensure family and carers are involved in decision making and advance planning.</p> <p>Ensure that the rights of carers to an assessment of needs are upheld.</p> <p>Ensure that information is readily available on all local services, which will support those approaching the end of life and the bereaved, including: community support, funeral directors, social and health services, Citizens Advice and the voluntary sector.</p>	£0	£0	£0	£0	<p>online and to providers to print out and give to patients, carers and families.</p> <p>As above - utilise internal resources to develop directory. Directory will be available online and to providers to print out and give to patients, carers and families.</p>
9: DEVELOP THE COMPETENCIES OF THE WORKFORCE	<p>Undertake a competency gap analysis across health, social care and the community sector.</p> <p>Develop a comprehensive workforce plan that specifies how health and social care staff, and the voluntary and community sector will achieve the necessary competencies.</p>	£0	£0	£0	£0	<p>Work to be undertaken by PCT and LBE workforce development teams.</p>

STRATEGIC OBJECTIVE	COMMISSIONING INTENTIONS	INDICATIVE RESOURCE IMPLICATIONS				COMMENTS
		Y1 (11/12)	Y2 (12/13)	Y3 (13/14)	Y4 (14/15)	
	<p>Continue to raise awareness of the Mental Capacity Act (2005) among health and social care professionals in order to increase the number of people who are enabled to plan for their end of life care while they have the capacity to do so.</p> <p>Ensure all contracts specify the competences required to deliver quality end of life care.</p> <p>Ensure the workforce know how to access specialist advice.</p>	£0	£0	£0	£0	DoLS Office responsibility.
10: DEVELOP A ROBUST MONITORING AND PERFORMANCE FRAMEWORK	<p>Develop a robust integrated performance management system across health and social care that enables us to monitor quality, outcomes and expenditure.</p> <p>Strengthen feedback from patients and carers and develop mechanisms to enable involvement in the design, development and delivery of services.</p> <p>Work with local Dignity Champions to create user-defined measures through which we can define and monitor dignity locally.</p>	£0	£0	£0	£0	PCT and LBE Commissioners to implement.

STRATEGIC OBJECTIVE	COMMISSIONING INTENTIONS	INDICATIVE RESOURCE IMPLICATIONS				COMMENTS
		Y1 (11/12)	Y2 (12/13)	Y3 (13/14)	Y4 (14/15)	
11. SERVICES IMPROVEMENT AND GSF/LIVERPOOL CARE PATHWAY IMPLEMENTATION	In order to ensure effective implementation of the strategy and attainment of GSF across care homes and primary care, investment in additional project management support and GSF facilitation is required.	£0	£50,000	£50,000	£0	Yr 2 and 3 Funded from NHS Funding allocation for Social Care.
Total spend:		£5,000	£155,000	£155,000	£100,000	£415,000

The majority of the commissioning intentions detailed in the strategy can be implemented with out additional resources through better use of existing resources and through improving quality, co-ordination, information and access. The need for some additional resource to be invested in years 1-3 of the strategy has been identified in order to:

- Support the development of a Palliative Care Community Support Service
- Resource an awareness raising campaign
- Lead programme of service improvement and GSF/Liverpool Care Pathway facilitation across care homes and primary care

It is anticipated that full implementation of the strategy will result in savings due to a reduction in acute sector activity which will begin to be realisable from year 1 and become fully realisable from year 3. As per the QIPP End of Life projections, it is anticipated that implementation of the GSF in nursing homes will result in realisable savings of £75 k per annum from 2011/12. Further savings are anticipated as a result of establishing a palliative care community support service and roll out of GSF to care homes, domiciliary care and primary care. Modeling of anticipated savings due to a reduction in non-elective hospital admissions suggests anticipated net savings of £968,221 over 3 years as detailed in the table below.

Projected Net Savings to NHS Enfield from Reduction of Non-Elective Admission Costs

	2011/12 (baseline)	2012/13	2013/14	2014/15	Total
Percentage of deaths occurring in hospital	67%	63%	58%	50%	-
Hospital Deaths	1372	1291	1188	1025	4876
Admissions prevented	0	81	103	163	347
Gross savings	£0	£319,383	£406,129	£642,709	£1,368,221
Investment	£0	£50,000	£50,000	£0	£100,000

(GSF)						
Investment (PCSS)	£0	£100,000	£100,000	£100,000	£100,000	£300,000
Investment (awareness campaign)	£5,000	£5,000	£5,000	£0	£15,000	£15,000
Net savings	£5,000	£169,383	£256,129	£542,709	£968,221	

Notes:

1. Additional savings are anticipated as a result of a recent decision to vary the payment mechanism for in-patient hospice care commissioned from St Josephs and Marie Curie from a grant payment to a cost per bed day basis. These services currently receive annual grants totaling £244,209 however activity levels are very low.
2. Some additional resource may be required to ensure the sustainability of North London Hospice Services. A review of this service is underway and any recommendations regarding additional investment will be taken to the PCT Executive team and to the Clinical Commissioning Group for approval.

COUNCILLORS' QUESTIONS: 28 March 2012**1.1 Questions to Cabinet Members****Question 1 from Councillor Brett to Councillor Bond, Cabinet Member for Environment**

Can Councillor Bond let the Council know what the Government's latest statement on promoting cycling and making cycling safer has to say about 20mph zones and limits?

Reply from Councillor Bond

"The Minister for Cycling (Norman Baker) and the Minister for Road safety (Mike Penning) have recently written a joint letter to all local authorities about what the Government and local authorities can do to both encourage cycling and make it safer. This statement is in no small part due to The Times newspaper's "Cities fit for cycling campaign", which has gathered significant momentum in recent weeks.

Whilst there is a lot more to be done in Enfield, I was pleased to note that the ministers suggest that authorities "consider greater use of 20mph zones and limits where this will help manage speeds and the safety of all road users". This is clearly something that we have been actively pursuing since May 2010 and it is good to see the Government supports our approach.

In addition to our programme of 20 mph zones we are also committed to a range of other initiatives to encourage more cycling and to making it as safe as possible; including investing heavily in extending our network of Greenways and providing free cycle training for children and adults across the borough."

Question 2 from Councillor Lamprecht to Councillor Goddard, Cabinet Member for Business and Regeneration

"The Daily Express on Tuesday 13th March 2012 ran an article on an event that took place in Cannes. The article stated:

"An army of British politicians, town hall fat cats and quangocrats spent four days wining and dining alongside tycoons and prostitutes at the world's biggest property fair in French Riviera Cannes. Other authorities from the capital enjoying the views were Hounslow, Redbridge, Wandsworth, Croydon and Enfield."

Would Councillor Goddard inform the council which Enfield councillors attended?"

Reply from Councillor Goddard

"I can confirm that I attended Marche International des Professionels

d'Immobilier (MIPIM) as a member of a delegation from North London Business that attended this event as well as representing the newly formed London Anglia Growth Partnership that is bringing together the corridor from Islington to Stansted. The sub regional delegation was also supported by the Director of Regeneration, from Enfield and Redbridge. The delegation was led by the Chief Executive of North London Business. The MIPIM event is a major opportunity for investors and regeneration experts with over 19,400 participants from 83 countries in Cannes. The 2012 attendance rose by 4.2% compared to 2011.

I can confirm that funding for the event was organised by North London Business and sponsorship was sought from regional businesses with an interest in North London. This event did not cost the authority anything and the costs were entirely covered by the sponsorship.

With global property markets still under pressure, the 23rd edition of MIPIM was in a studious and working mood and attendees' talking points were concentrated on quality, low risk investment opportunities and sustainable urban development.

One of the problems of the British Press is that their negative and inaccurate reporting does nothing to boost growth and development, nor give confidence to investors/developers that the UK and London wants their engagement. If any of those that we met believed, as a result of these questions, that Enfield was not serious nor wished to do business then the negative nature of these questions will set back the work of the last 3 years from when the LDF was created and the subsequent work and investment profile that the Authority has built up will be lost."

Question 3 from Councillor Robinson to Councillor Oyken, Cabinet Member for Housing

"Government investment in housing has been massively cut. Would you confirm that you support an increase in investment to provide needed housing, but also to stimulate employment in construction?"

Reply from Councillor Oyken

"Government investment has been reduced from £8.4bn during 2008-2011, to £4.5bn from 2011-15.

However despite this reduction in investment, Enfield's commitment to sustaining investment in housing in the borough is set out in the draft Housing Strategy 2011- 2026, currently out for consultation. The Council's vision for the next 15 years is 'to increase the supply of well managed, good quality and affordable homes; promote housing choices and build strong neighbourhoods'.

In addition both the Local Development Framework and Core Strategy set out the plans for housing growth in the borough and the requirements for larger

size homes and adapted homes to meet identified housing need.

There are definite job opportunities on housing development and regeneration schemes in a range of disciplines for local people and businesses. We are committed to support applications from those Registered Housing Providers for planning, which include employment and skills training and the creation of apprenticeships as part of all development schemes.

The Council will also continue to negotiate with developers through the planning application process for employment and training packages to be provided as part of the construction and management on all our projects, including the opportunity for developers to use local companies to source materials and to use the Council's Jobsnet service to recruit employees.

Currently Registered Providers provide employment and training opportunities on their construction sites. The Construction Training Initiative is an example of a successful partnership scheme with Notting Hill HT which provides practical training and work experience for eligible local college students. We currently have 11 Enfield residents on the programme; a further 3 have recently gone on to full time employment as part of the scheme.

The Council's Estate Renewal Programme will provide apprentice opportunities for employment in a number of roles including construction, customer care and business IT."

Question 4 from Councillor Lamprecht to Councillor Goddard, Cabinet Member for Business and Regeneration

"The Daily Express on Tuesday 13th March 2012 ran an article on an event that took place in Cannes. The article stated:

"The councils felt they had to send senior officials to compete with other towns and cities from around the world, all of which vie for investors' money."

Would Councillor Goddard please inform the Council which Enfield officers attended the event"?

Reply from Councillor Goddard

"The Director of Regeneration, Leisure and Culture"

Question 5 from Councillor Sitkin to Councillor Taylor, Leader of the Council

"Could the Leader of the Council explain what the Council Tax increase decisions in Conservative Surry, Conservative Chelmsford and Conservative Peterborough were for 2012/2013?"

Reply from Councillor Taylor

“The Council Tax increases for these three Conservative controlled councils are:

- Chelmsford 2.46%
- Peterborough 2.95%
- Surrey 2.99%”

Question 6 from Councillor Lamprecht to Councillor Goddard, Cabinet Member for Business and Regeneration

“The Daily Express on Tuesday 13th March 2012 ran an article on an event that took place in Cannes. The article further stated:

“The entry ticket to the famous Palais des Festivals conference centre alone was £1,400 a head, while flights cost several hundred pounds.”

Would Councillor Goddard provide us with the total costs incurred either by Enfield Council or third parties in relation to flights, and entrance fees to functions to which Enfield councillors participated?”

Reply from Councillor Goddard

“The event is the largest in Europe and possibly the world. The London marquee housed all of the London promotion and competed with every other major city region in the UK and Europe.

The single price for total entry was as stated. The train fares for the two delegates were covered by the sponsorship obtained by North London Business.

There were no other costs relating to events or travel. The hotel was booked and paid for by North London Business and their sponsorship partner 3Fox International. It is clearly the policy of the Government to see a private sector led recovery and for the private sector to join the public sector in supporting regeneration (the LEPs are an example). I assume therefore that private sector support to develop growth is welcome. This is what has been achieved.”

Question 7 from Councillor Ibrahim to Councillor Taylor, Leader of the Council

“Could the Leader of the Council explain how the Government view that Council Tax should be kept low for residents is consistent with the 10% cut in Council Tax benefits subsidy which adds up to 40% of their Council Tax for residents in receipt of the subsidy to their personal expenditure?”

Reply from Councillor Taylor

“The Local Government Finance Bill includes a proposal to implement a local Council Tax Benefit system to replace the current national Council Tax Benefit system. The changes are effective from 1st April 2013 and will coincide with

a 10% funding reduction for Enfield. I have significant concerns about the proposals which include:

- The transfer of considerable financial risk to Enfield;
- The potential impact on some of the our most vulnerable residents; and
- The impact on working age claimants and work incentives.

I have written to Bob Neill MP, the Parliamentary Under Secretary of State, and highlighted these concerns and requested that he review the current timetable for implementation and allow maximum flexibility for councils to manage local schemes. At the moment the Council has little option but to reduce the support available to claimants or make up the shortfall in funding by cutting other services, or both.”

Question 8 from Councillor Lamprecht to Councillor Goddard, Cabinet Member for Business and Regeneration

“The Daily Express on Tuesday 13th March 2012 ran an article on an event that took place in Cannes. The article further stated:

“Luxury catering vans lined the harbour to serve guests on yachts, while restaurants charged £80 for Black Angus prime rib and bars hiked the cost of a small bottle of beer to £10.”

What expenses including accommodation have been claimed by Enfield officers and councillors, in relation to this event?”

Reply from Councillor Goddard

“The event is the largest in Europe and possibly the world. The London marquee housed all of the London promotion and competed with every other major city region in the UK and Europe.

The single price for total entry was as stated. The train fares for the two delegates were covered by the sponsorship obtained by North London Business.

There were no other costs relating to events or travel. The single entry ticket pays for all activities attended by delegates. The hotel was booked and paid for by North London Business and their sponsorship partner 3Fox International. It is clearly the policy of the Government to see a private sector led recovery and for the private sector to join the public sector in supporting regeneration (LEP are an example). No expenses have been claimed or will be claimed for this event.”

Question 9 from Councillor Lamprecht to Councillor Goddard, Cabinet Member for Business and Regeneration

“The Daily Express on Tuesday 13th March 2012 ran an article on an event that took place in Cannes. The article further stated:

All the councils said their trips were for the long term benefit of the taxpayer. Would Councillor Goddard inform the council who paid for the trip and what were the benefits to the taxpayer?"

Reply from Councillor Goddard

"The event is for the benefit of residents and businesses. Previous answers explain the method of expenditure and that Council tax payers were not contributing.

The benefit to residents and business is that substantial investment in the Borough is needed for Meridian Water which was initiated by the Conservative Administration and totalling £1.3 billion of development work to many other schemes in the Borough that are being brought forward to overcome years of decline. We met over 40 representatives who were briefed or wanted to suggest solutions to the road and rail infrastructure, investment vehicles for decentralised energy, market gardening and other economic development initiatives including area based schemes across the Borough. These are essential if the Borough is to solve its housing, jobs and growth objectives. Investment needs to be gained. That is why the Deputy Mayor of London opened the London stand. Has Councillor Lamprecht asked the Mayor/Deputy Mayor of London for the costs associated with their presence at the launching of London in 2012 Marquee which sought to ensure that other major cities in the UK and Europe do not take all the investment or is he suggesting that the Conservative Mayor should not attend and that there be no London presence nor from the constituent London Councils."

Question 10 from Councillor Lamprecht to Councillor Goddard, Cabinet Member for Business and Regeneration

"The Daily Express on Tuesday 13th March 2012 ran an article on an event that took place in Cannes. The article further stated:

"Two housing associations, the Crown Estate, Middlesex University, state owned Lloyds Bank, Royal Mail and even the Duke of Edinburgh Awards Scheme also sent delegates."

Given the fact that the former Middlesex University site at Cat Hill was the subject of a planning determination at the very time of this visit, and the future of the former Middlesex University site at both Ponders End and Trent Park have yet to be determined, would Councillor Goddard please inform the Council of any discussions that took place between Middlesex University and Councillor Goddard and Council officers in the south of France and any hospitality they received?"

Reply from Councillor Goddard

"I have no idea how many UK delegates went to the event given that there were several hundred from the UK. None of those mentioned came across

our paths. It is also misleading to keep referring to Middlesex University at Cat Hill and Ponders End as both sites are now nothing to do with the University.”

Question 11 from Councillor Lamprecht to Councillor Goddard, Cabinet Member for Business and Regeneration

“In relation to the visit to Cannes, would Councillor Goddard please provide us with a full itinerary of the events attended by delegates from Enfield and a brief explanation of perceived benefits for each event attended?”

Reply from Councillor Goddard

“The pattern of activity other than the formal reception and opening of the London arena by the Deputy Mayor was for a series of meetings, informal seminars (over 20 in the London area alone) throughout the 3 days to discuss regeneration/investment opportunities, policy matters with policy makers, experts and commercial businesses. These are commercially sensitive. Some already have resulted in follow up arrangements in Enfield.

Between Neil Rousell and myself we had approximately 40 arranged discussions and numerous other informal discussions. This is more than we could ever achieve individually and as a Deputy Leader from another council in London said “6 months or more of trying to set these up was achieved in 3 days.” Perhaps the world of business/ investment brokerage is alien to the Conservative Party.

It is the intention of the administration to continue to seek opportunities to develop inward investment.

The questioner may be unaware that in future capital inflow to the UK will be a significant part of growth. The Council will take opportunities - UK or overseas – to better position Enfield to increase inward investment but will also seek to secure external sponsorship.”

Question 12 from Councillor Lamprecht to Councillor Goddard, Cabinet Member for Business and Regeneration

“Would Councillor Goddard please provide the Council with a full list of delegates who attended the functions confirming in respect of each, whether they had any known property interests in the borough or any outstanding planning applications?”

Reply from Councillor Goddard

“I have no idea of the names of all of the delegates who attended and as stated the event is not structured in that way. The event is not about planning applications and therefore the question does not apply.”

Question 13 from Councillor Kaye to Councillor Orhan, Cabinet Member

for Children and Young People

“Several locations have been identified as possible sites for expanding schools/classrooms and then subsequently dismissed for various reasons. Which sites were identified and how much Council taxpayers money was wasted on investigating the feasibility of these projects which were later abandoned?”

Reply from Councillor Orhan

“In order to deliver the agreed strategies to provide additional primary and secondary school places, officers have visited a number of sites to ascertain their potential suitability as school sites. These assessments are carried out as part of the regular work of these staff and do not incur additional costs.”

Question 14 from Councillor Lavender to Councillor Bond, Cabinet Member for Environment

“Would Councillor Bond please explain why the Council has not adopted FERAA's suggestion to include a bid to TfL for funding for (i) Council officers to re-assess the cost of the NGAR scheme design and to carry out new cost-benefit calculations and (ii) significant modifications of the Enfield Town road system, the relocation of Enfield Town Station and the construction of a new bus station?”

Reply from Councillor Bond

“Councillor Lavender raises two queries and I shall deal with each in turn:

i) Northern Gateway Access Package

Our second Local Implementation Plan (LIP) was approved by the Mayor of London in January 2012. The position on the Northern Gateway Access Package is very clearly stated in Chapter 3 of the LIP. In summary, this confirms that access to the M25 is vital for businesses already located in Brimsdown and the Upper Lee Valley, particularly those involved in logistics, and is also critical to support the development of Brimsdown as one of London's major business centres. The LIP also highlights the need to assess the scope for NGAP in conjunction with the Highways Agency, Transport for London and regional partners.

In keeping with the above position, the Council has already commissioned some initial traffic modelling work to provide an early indication whether the case has changed since the scheme was last considered in 2001. The high level results from this study should be available early next month.

If the results are positive, a much more detailed (and expensive) data collection and modelling exercise will need to be undertaken to build a robust technical case. Possible funding sources for this work, including LIP funds, will need to be considered.

ii) Enfield Town

In addition to the normal LIP funding stream for Corridors, Neighbourhoods and Supporting Measures, boroughs can bid to the Mayor and TfL for Major Scheme funding, which amounts to some £28m in 2012/13 across the whole of London.

To date we have been successful in receiving funding from this budget for schemes at Lytchett Way, Towpath Road and Silver Street. Work is well underway on our next bid, which will be for a scheme focusing on improving the High Street in Ponders End and the links to both Ponders End and Southbury stations. This will complement other investment in Ponders End and help transform one of our main regeneration priorities.

TfL are very clear that boroughs should prioritise their bids and not make multiple funding applications. In my view, there is still some way to go to develop the masterplan for Enfield Town and it is premature at this stage to make a credible Major Scheme bid. However, it may well be possible to make a future bid once we are clear on the scale and type of development planned for Enfield Town."

Question 15 from Councillor Waterhouse to Councillor Bond, Cabinet Member for Environment

"According to the Enfield Independent on 17th February 2012 it states:

"Councillor Chris Bond (Lab), Cabinet member for Environment, told the Enfield Independent in December that he agreed with churches and traders to implement the plan in the first week of January."

According to the Deputy Chair of Enfield Town and Forty Hill Churches, it is reported in the same article that all of the ministers in Enfield Town had made it clear that they were not consulted by the Council.

She said: "None of them were approached or consulted by Councillor Bond or anyone else on this subject, and there's been absolutely nothing from the Council since we complained."

"None of us voted for this and the churches have already seen the effects on their congregations, with a significantly lower number of people attending than usual."

"There's a pretty strong groundswell of opinion against this."

Would Councillor Bond confirm whose version of events is correct? If it is his, would he confirm the name of the person he spoke to or wrote to, roughly what he said and when he said it?"

Reply from Councillor Bond

"I did meet with representatives of the local churches, as suggested by Councillor Rye last year. We discussed the parking for proposals for charges on Sunday and I modified the original proposals as a result. I cannot comment on how that meeting was relayed back to the other congregations."

Question 16 from Councillor Prescott to Councillor Stafford, Cabinet Member for Finance and Property

"Where will the remaining £610,000 from the sale of Woodcroft proceeds be spent?"

Reply from Councillor Stafford

"The proceeds from the sale of Woodcroft less a contribution to disposal costs (under regulation, up to 4% of General Fund Capital Receipts may be used to fund directly related disposal costs) will be used to fund the Council's existing Capital Programme. This has been taken into account in the latest capital monitoring report due to be considered by Cabinet on 21st March. Providing completion of the sale is achieved and the full proceeds received by 30th March, as is expected, the capital receipt will be applied in the current financial year.

In recognition of the decision to invest £100,000 in the retained Woodcroft site, budget provision of this amount has been made in the 2012/13 capital programme subject to further details of the proposed expenditure becoming available."

Question 17 from Councillor Laban to Councillor Goddard, Cabinet Member for Business and Regeneration

"As the current statistics regarding empty shop units are (Enfield North) 27, (Enfield Southgate) 28, and (Edmonton) 8 it is apparent that there is a clear inequality in the borough. What strategies are being put into place to help the businesses in Enfield North and Enfield Southgate to remain and to attract new retailers to these areas?"

Reply from Councillor Goddard

"The recent statistics collected by EBRA showed that there are 22 vacant shops in Enfield Town. This is a constantly moving position.

The Council takes a responsible approach believing that there is a role for local Government and not be left to market forces.

Most of the retail units in Enfield North and Southgate are privately owned. The occupancy rate of Enfield owned shops (HRS) is over 90% and demonstrates that sound rent policies are effective. In response to the Opposition business on Town Centres, I gave an assurance that there would be a report from Cabinet to Council setting out our strategy. This is being

developed in conjunction with EBRA and will come to Council after Easter.

Regeneration has a proactive approach to retail support and the Area Action Plans for the North East and Enfield Town (as well as Edmonton) will have this issue as a major theme. Security investment to enhance the wealth of the Borough is key to growth.

Supporting efforts rather than creating a negative climate for this must be the Council's objective.

We are working very closely in partnership with the Enfield Town retailers to prepare a Portas Pilot bid to Government for monies to help to re-invigorate our premier retail centre. The vision is to build on the existing partnership arrangements to create a Town Team approach in which all the various interest groups are represented. We want to pursue an imaginative approach that will result in greater footfall to the town centre, restoring the confidence of customers and visitors, as well as stimulating the interests of developers to deliver the Phase 3 of the redevelopment.

In addition to re-invigorating the historic market with new stalls and canopies and working with Enterprise Enfield to introducing new start-up businesses to the market that offer a wider range of goods, we want to utilise vacant shops for pop-up shops, exhibitions and galleries. We will promote more open-air performances and events, with more street entertainment and cultural activities to add to the attraction. We want to set up an Apprenticeship training programme in Retailing, aimed at for young people, with a view to securing additional sustainable jobs.

As you know, we provided an immediate response to businesses after the disturbances last August , not only offering direct financial assistance to those which suffered damage but also supporting the marketing campaigns promoted by EBRA and local businesses. We shall continue to build on our partnership approach, and do not want to raise false expectations about a successful Portas Pilot bid- only 12 town centres across the country will be successful. Even if our bid is not successful, we aim to continue to pursue our initiatives in close partnership with the community.

Southgate has 6 vacant shops including one under offer. In that respect it is similar to the position in other town centres which are also struggling in the context of the economic downturn.

We recognise the issues and are continuing to fund EBRA at the same level as last year to undertake town centre management activities across 10 town centres in the borough."

Question 18 from Councillor Smith to Councillor Stafford, Cabinet Member for Finance and Property

"Following the announcement of the sale of four hostels owned by the Council recently at 41 Latymer Road, Oakthorpe Court, 196/198 Green Lanes and 23

Church Street, could Councillor Stafford inform the Council how long it took to decant the blocks in question and how much rental income was lost during this process?"

Reply from Councillor Stafford

"The decanting of these blocks commenced w/c 26 September 2011 and concluded w/c 12 March 2012. The decant took a total of 25 weeks.

Assuming a disposal date of 28/3/12, and assuming that a number of units would have been empty as part of normal void turnover, the loss of rental income is projected to be £69,936.

The residents of these hostels have all moved into better quality accommodation, which is more appropriate for their housing needs. For those who have moved into permanent accommodation, this will have been chosen by the resident using the Choice Based Lettings System.

The housing revenue account receipt for the sale of the hostels totals £5.8m, which will be reinvested into housing and regeneration improvements for local people."

Question 19 from Councillor Smith for Councillor Oyken, Cabinet Member for Housing

"The recent sale of four Council owned hostels is noted. This sell off is despite the stated policy of governments of both parties that advocate the use of temporary hostel accommodation for vulnerable tenants such as single mothers. Could Councillor Oyken inform the Council where the 63 tenants living in these blocks have been re-housed and does he think they will receive an adequate level of support in the future?"

Reply from Councillor Oyken

"The occupiers of these self contained units of accommodation, described as 'hostel' accommodation, have all been moved to alternative accommodation, apart from one resident who sadly passed away before they could move.

Of the 62 households who needed to move, 16 have moved to permanent housing of their choice using the Choice Based Lettings Scheme and 46 have moved to alternative temporary accommodation, which has taken into account the housing needs of the individual households.

The Council is confident that the support provided to the households in their new premises by the Housing Service will remain the same as at their old address. The Housing Service is not aware that any of these households have any existing specialist support packages, but if need arises and is identified after these moves, support will be provided."

Question 20 from Councillor Smith to Councillor Stafford, Cabinet

Member for Finance and Property

“Could Councillor Stafford confirm how much of the receipts to date from the recent sale of the Council’s hostels for vulnerable tenants will be retained by Enfield Council? Will he also confirm that this money will be ring fenced for reinvestment in the Council’s housing stock?”

Reply from Councillor Stafford

“The proceeds from the disposal of the hostels (net of disposal costs) will be ring fenced to the HRA. The receipts have been taken into account in the HRA Business Plan taking effect from 1st April 2012.”

Question 21 from Councillor Chamberlain to Councillor Orhan, Cabinet Member for Children and Young People

“As you failed to answer this point in the direct and simple question at last Council (Question 5), can you now confirm how many schools you have visited in your capacity as Cabinet member in the six months before the last Council, along with a list setting out the dates, school name, duration of visit and reason for visiting?”

Reply from Councillor Orhan

“I believe I have already answered your question. However can I just reiterate the enormous amount of work that takes place in Education and Children's Services which includes numerous activities and functions which go on across the authority. Whenever I am able to, I attend and participate in these events.

The present administration works as one team and some of the work in Education and Children's Services are cross-departmental; you will find that a number of my colleagues in the Cabinet also attend functions in schools. In addition, Labour Ward Councillors support activities in their schools.

I look forward to seeing the Minority side supporting and attending functions and events in schools in the borough”

Question 22 from Councillor Chamberlain to Councillor Orhan, Cabinet Member for Children and Young People

“As you failed to answer this point in direct and simple question last Council (Question 7), can you now confirm how many events you have attended in your capacity as Cabinet member in the six months before the last Council, along with a list setting out the dates, event name, duration of visit and reason for visiting?”

Reply from Councillor Orhan

“I believe I have already answered your question. However can I just reiterate the enormous amount of work that takes place in Education and Children's

Services which includes numerous activities and functions which go on across the authority. Whenever I am able to, I attend and participate in these events.

The present administration works as one team and some of the work in Education and Children's Services are cross-departmental; you will find that a number of my colleagues in the Cabinet also attend functions in schools. In addition, Labour Ward Councillors support activities in their schools.

I look forward to seeing the Minority side supporting and attending functions and events in schools in the borough."

Question 23 from Councillor Chamberlain to Councillor Bond, Cabinet Member for Environment

"Can the Cabinet member confirm if his eventual aim is to join up all the CPZs so that they cover the Borough? If not, then what is his view on how the Council should deal with the problem of traffic displaced outside those zones?"

Reply from Councillor Bond

"No it is not my aim to join up CPZ's across the Borough. CPZ's displace parked cars not traffic."

Question 24 from Councillor Chamberlain to Councillor Bond, Cabinet Member for Environment

"Can the Cabinet member confirm what is the expected income from CPZ enforcement in 2012/13 for each zone?"

Reply from Councillor Bond

"I assume that this means value of permits issued for each zone. It is impossible for me to predict how many Penalty Charge Notices (PCNs) would be issued for each zone as I would need to guess how many PCNs were issued this year and take a guess on how many motorists would contravene the regulations next year

Permit income

Arnos Grove	£10,310
Bush Hill Park	£11,692.50
Enfield College 2 x 2	£835
Enfield College	£2,740
Enfield Town	£126,475
Gordon Hill	£3,057.50
Grange Park	£4,905
North Middlesex	£33,540
Oakwood	£5,800
Palmers Green	£15,700

Southgate 1 hr	£2,727.50
Southgate all day	£25,060
Winchmore Hill	£32,850"

Question 25 from Councillor Chamberlain to Councillor Bond, Cabinet Member for Environment

“As CPZ administration costs appear to represent a high (25%) overhead on enforcement costs, can the Cabinet member confirm the number of staff employed in this role and the tasks they are engaged in and the working hours per annum this cost represents?”

Reply from Councillor Bond

“The administration charges include overheads as well as salary costs (one full time equivalent). They include the stationery costs (permits, permit holders, envelopes, photocopier paper, and ink cartridges), postage, insurance, lighting, heating and rates for the office premises.”

Question 26 from Councillor Chamberlain to Councillor Bond, Cabinet Member for Environment

“Can the Cabinet member confirm what are the expected numbers of scratch cards and permits expected to be issued for each zone for the Borough's CPZ in 2012/13?”

Reply from Councillor Bond

Arnos Grove permits	226
Arnos Grove scratch card books	151
Bush Hill Park permits	232
Bush Hill Park scratch card books	174
Enfield College 2 x 2 permits	7
Enfield College 2 x 2 scratch card books	38
Enfield College permits	26
Enfield College scratch card books	89
Enfield Town permits	906
Enfield Town scratch card books	2035
Gordon Hill permits	60
Gordon Hill scratch card books	100
Grange Park permits	101
Grange Park scratch card books	74
North Middlesex permits	399
North Middlesex scratch card books	677
Oakwood permits	113
Oakwood scratch card books	104
Palmers Green permits	108
Palmers Green scratch cards books	352
Southgate 1 hr permits	56
Southgate 1 hr scratch card books	72

Southgate all day permits	194
Southgate all day scratch card books	440
Winchmore Hill permits	623
Winchmore Hill scratch card books	864

N.B. Ten scratch cards per book”

Question 27 from Councillor Chamberlain to Councillor Bond, Cabinet Member for Environment

“Can the Cabinet member confirm the breakdown of the elements of cost that make up each permit for 2012/13, plus the margin added for parking policy decisions such as those on carbon emissions?”

Reply from Councillor Bond

“Each permit price was not calculated by a breakdown of elements of cost.

Calculations were based on enforcement costs for the year 10/11 which were £232k, together with administration costs of £65k making a total of £297k.

Income from permits in the same period was £233k showing a shortfall of £65k.

Bandings were decided on vehicle emissions/engine size by comparing bandings of several neighbouring authorities who had already introduced the scheme, obtaining information from Directgov and using historical sample data obtained by our own Parking Service over several months.

Engine size up to 1500cc 32%
Engine size between 1501 and 3000cc 66%
Engine size over 3000cc 2%

This £65k shortfall was then apportioned across the bandings to make permit administration and enforcement self financing. No margin was added for parking policy decisions.”

Question 28 from Councillor Vince to Councillor Orhan, Cabinet Member for Children and Young People

“As Corporate Parent does Councillor Orhan agree with me that we should give the strongest consideration to creating a non-smoking policy for the carers of all Looked After Children not just the under 5's. These young people have experienced the most difficult start in their life, often including health disadvantage. Health concerns with smoking are now accepted and well documented.”

Reply from Councillor Orhan

“Our current practice follows the guidance of the British Association of

Adoption and Fostering (BAAF) and it is consistent with the view of the Conservative/Liberal Democrat government that there should be no blanket bans on smoking when considering applications from prospective adopters or foster carers. I do feel however, that the Conservative/Liberal Democrat Government are rather complacent about this matter and about the matter of passive smoking. That is why in Enfield foster carers will be required to sign an undertaking agreeing that they will only smoke away from the house and never in their cars and Enfield's new Fostering Handbook will reflect this policy.

Staff are alert to this issue and monitor this during home visits to ensure vulnerable children are well protected from the effects of passive smoking.

Thankfully, applications from prospective carers that smoke have reduced considerably in recent years. However, consideration to introducing a policy change such as this should be agreed across the North London Consortium where, I understand, discussions are already taking place.”

Question 29 from Councillor Laban to Councillor Bond, Cabinet Member for Environment

“Please could the Cabinet Member for Environment consider taking legal action in order to enforce the planning blight on the former petrol station opposite the post office in Brimsdown Avenue?”

Reply from Councillor Bond

“18 Brimsdown Avenue (Former Petrol Station) has been under review since the occupation by Travellers a number of years ago. It has planning permission for retail sales of petrol, car storage, car breaking and car servicing. A planning permission to change use for residential development has expired.

The complaints received in October and November 2011 advised that the situation on site had deteriorated further. A meeting with the owners in January 2012 resulted in planning and enforcement action, which we as a Council are monitoring closely to ensure that the concerns raised are resolved satisfactorily.”

Question 30 from Councillor Laban to Councillor Goddard, Cabinet Member for Business and Regeneration.

“Please could the Cabinet Member for Business and Regeneration explain whether his department has applied for monies from the European Regional Development Fund for regeneration projects?”

Reply from Councillor Goddard

“We have indeed submitted an ERDF [Priority 2, Theme 2] bid for the “Go Green North London” project.

Enfield would be the lead borough in the delivery of a project which aims to support the growth of the Green & Low Carbon economy in the Upper Lee Valley and supply chains going into north London Boroughs of Islington and Hackney and contribute towards realizing the Mayors vision for London as a low carbon capital by 2025. The North London Chamber of Commerce would play a key role in project delivery.

The project objectives are to enable entrepreneurs taking part in the project to maximize their market position in relation to the drivers and opportunities associated with sustainable buying and product/service provision. The project aims to support over 200 businesses across Enfield, Haringey and Waltham Forest.

The bid is for £560,000 ERDF monies. The Council would provide £100,000 in matched funding along with staff time to support the delivery.

We expect to know the outcome of our bid late May, after the Mayoral elections.”

Question 31 from Councillor Laban to Councillor Goddard, Cabinet Member for Business and Regeneration.

“Please could the Cabinet Member for Business and Regeneration produce a detailed account to the Council of the work done by him and the Director for Regeneration, Leisure & Culture at the MIPIM Property Conference in the South of France?”

Reply from Councillor Goddard

“A report is being produced outlining the matters discussed and will be made available to all Councillors. This will enable all Councillors to be appraised of the major issues affecting growth, inward investment and regeneration and the ideas coming forward from the private sector and policy organisations. Follow through discussions are now taking place.”

Question 32 from Councillor Laban to Councillor Goddard, Cabinet Member for Business and Regeneration.

“Please could the Cabinet Member for Business and Regeneration explain to the Council the absolute necessity of his and the Director for Regeneration, Leisure & Culture’s attendance at the MIPIM Property Conference in the South of France?”

Reply from Councillor Goddard

“It is obviously clear that the questioners have little understanding of regeneration and growth as does the Coalition Government. Implicit in the question is that either the market solves the problem or the investors line up unasked. Neither is true. If the former was true why did the GLA and London

have a major stand? Why did every City region in England have major stands? Why were so many leading London Councils not only attending but have stands in the London marquee, why did they have special events promoting the Royal Docks or the West London Alliance (of Local Authorities) or Croydon with its major Town Centre Development?

The absence of North London and Enfield would perpetuate the belief that this Council was not serious about regeneration. It would not have had the opportunity to meet a large number of key policy makers, investors, developers etc. in such a concentrated way. Given a choice, investors go to those areas that are open for business. That is the theme Enfield are developing – Opportunity Enfield - It appears from all the questions that the questioners prefer Enfield to remain in the backwater, not attract investment and not understand the nature of the business. Perhaps that is why you are in opposition?”

Question 33 from Councillor Laban to Councillor Charalambous, Cabinet Member for Culture, Sport and Leisure.

“Please could the Cabinet Member for Culture, Sport and Leisure explain the work carried out so far in terms of marketing the forthcoming reopening of Forty Hall to the residents of Enfield and potential visitors from outside of the borough?”

Reply from Councillor Charalambous

“As part of the bid submission to the Heritage Lottery Fund it was a prerequisite that the future operations of Forty Hall were developed. This included a Marketing Plan this has been refined over the 2 years of development. The Building was handed back to the Council on the 15th March from the builders, other contracts will now be working to prepare the building for a late June opening. In preparation for the opening we are now rolling out the marketing plan.

This includes:

- Brand Identity established during January - working with the interpretation consultants
- Seasonal brochure currently under production during March
- Hire Brochures being developed during March
- Educational Pack will be developed when the Education Officer joins the Team in April
- Information Leaflets and Guides being developed during March and April
- Feedback Cards being developed April – June
- Advertising Campaign starts in April with a JC Decaux and Bus and Tube Campaign starting in May and June
- Online development starting April alongside the main Council site
- Ambassadors being recruited April Onwards”

Question 34 from Councillor Laban to Councillor Charalambous, Cabinet

Member for Culture, Sport and Leisure.

“Please could the Cabinet Member for Culture, Sport and Leisure explain the causes of the delay to the building works at Albany Leisure Centre?”

Reply from Councillor Charalambous

“The delay at Albany Leisure Centre is as a result of the ground remediation works required to make the site fit for purpose and in accordance with the Development Agreement. The Council is considering its legal position in relation to the causes of the delay.”

Question 35 from Councillor Laban to Councillor Bond, Cabinet Member for Environment

“Please could the Cabinet Member for Environment inform the chamber when public opening sessions will be provided at the Queen Elizabeth II stadium to enable more leisure users to utilise this facility?”

Reply from Councillor Bond

“There are regular meetings of a Project Board to discuss the management of this facility and also to take forward sport provision in the future with representatives from of Enfield Town Football Club , Rugby Club, Friends of Enfield Playing Fields and representative from the Athletics group. This matter was raised at the last meeting and was advised that although it had originally intended that the Football Club would oversee the public use of the track as they had intended to have the café open during the working week, this has not transpired and the club are not in a position to commit to this until they become familiar with their outgoing expenses.

The Council has promoted the use of the track within schools and as a result there has been an increase in school applications for the QEII stadium this year due to awareness of the refurbished track. Applications are assessed on a first come first served basis and the Parks operatives will facilitate this.

Work is being carried out regarding times of when athletes would most like the venue to be accessible and then we can try to work around those times and arrange access. The Council and the Project Board would seek to encourage maximum usage of the facility whilst ensuring we protect the investment. To this end we will be working with the club and schools to find a way forward. The discussion re the charging mechanism for the use of the track is still taking place to ensure a fair fee structure is introduced for all user groups”

Question 36 from Councillor Laban to Councillor Bond, Cabinet Member for Environment.

“A resident has complained to me about the number of missed refuse collections her particular area has had. Please could the Cabinet Member for Environment inform the chamber of the number of missed collections that

have been reported so far this year?"

Reply from Councillor Bond

"The total number of REPORTS of missed refuse collections between Monday 4th April 2011 and Sunday 11th March 2012 (48 weeks)

Wheeled Bins: 1638

Domestic Bags: 2009

Total: **3,647 out of 4.94m during this period.**

This equates to a weekly average of 76 out of 95,000 collected per week.

Percentage of door to door refuse collections reportedly missed per week
([76/95000] x100) = **0.08%**"

Question 37 from Councillor Lamprecht to Councillor Bond, Cabinet Member for Environment.

"Why has a decision been taken to only partially construct the Green Lanes (Firs Lane to Elm Park Road) Safety Scheme, which formed part of the Council's approved 2011/12 Corridors and Neighbourhoods Programme.

Specifically why has it been decided not to construct the Green Lanes / Vicars Moor Lane junction improvement part of this scheme without an officers' report having been submitted to the responsible Cabinet Member and a formal decision having been taken - which could have been subject to the Call-In procedure?"

Reply from Councillor Bond

"A report recommending the introduction of a safety scheme on Green Lanes between Firs Lane and Elm Park Road was approved by my predecessor on the 2 February 2010. The main safety elements of the scheme were implemented in the following months and initial results indicate that it is being very successful at reducing casualty rates on this section of Green Lanes. The implementation of the mainly environmental improvements at the Green Lanes / Vicars Moor Lane junction were delayed by the need to pursue statutory processes to convert carriageway to footway, and by difficulties around relocating a fire hydrant.

Following the change in administration in May 2010 there was a major change in priorities for the Corridors and Neighbourhoods Programme, with a particular emphasis on our manifesto commitment to introduce 20 mph zones in residential roads around schools in the borough. The Green Lanes / Vicars Moor Lane junction was left in the 2011/12 Corridors and Neighbourhoods Programme as a reserve scheme, but with only 1 slight injury collision occurring at this junction in the last 3 years I took the decision not to complete the environmental works at this time."

1.2 Questions to Overview & Scrutiny & Scrutiny Panel Chairman

Question 38 from Councillor Lamprecht to Councillor Rye, Chairman of Crime and Safety and Strong Communities Scrutiny Panel.

Could Councillor Rye inform the council of any work undertaken by the Crime and Safety and Strong Communities Scrutiny Panel with regard to the safety of the public in open spaces in the London Borough of Enfield?

Reply from Councillor Rye

“The Crime & Safety & Strong Communities Scrutiny Panel set-up a working group to look at issues around Public Confidence in Open Spaces. The working group received data on local crime statistics and from this evidence decided to focus the review on the retail areas of Enfield Town, Palmers Green, Angel Edmonton and Edmonton Green and the associated transport hubs. Councillors on the working group and a member of Enfield Business Retail Association visited all 4 areas and met with a large number of traders listening to their views and walking around the vicinity noting areas of concern.

The working group is now in the process of finalising its report with a number of recommendations, which will go to the next Crime & Safety & Strong Communities Scrutiny Panel for discussion.”