



## **LONDON BOROUGH OF ENFIELD**

**AGENDA FOR THE COUNCIL MEETING  
TO BE HELD ON WEDNESDAY, 9TH OCTOBER,  
2013 AT 7.00 PM**

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

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**Date:** 01 October 2013

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, 9th October, 2013 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 - 16)**

To approve, as a correct record, the minutes of the Council meeting held on Wednesday 17 July 2013.

**5. APOLOGIES**

**6. DECLARATION OF INTERESTS**

Members of the Council are invited to identify any disclosable pecuniary

other pecuniary or non pecuniary interests relevant to items on the agenda.

**7. SCRUTINY ANNUAL WORK PROGRAMME 2013/14 (Pages 17 - 40)**

To receive a report from the Overview & Scrutiny Committee setting out the annual programme for the Council's Scrutiny Panels and Overview and Scrutiny Committee. (Report No.58)

Members are asked to note that the report was considered and approved for recommendation onto Council by Cabinet on 18 September 2013.

**8. REFERENCES FROM THE MEMBERS & DEMOCRATIC SERVICES GROUP - AMENDMENTS TO CONSTITUTION: EXECUTIVE MEETING REGULATIONS & LOCAL AUTHORITIES (FUNCTIONS & RESPONSIBILITIES) ORDER 2000 (Pages 41 - 68)**

To receive a report from the Director of Finance Resources & Customer Services seeking approval of amendments to the Constitution relating to changes introduced as a result of the Local Authorities (Executive Arrangements) (Meetings & Access to Information) Regulations 2012, in the following areas:

- The Access to Information Rules (Chapter 4.6) & Citizens Rights section (Chapter 2.3)
- The introduction of a policy relating to the filming and recording of public Council, Cabinet, Scrutiny, other Committee & Forum meetings

Members are asked to note that the above changes recommended in the report were considered and approved for reference on to Council by the Members & Democratic Services Group (3 September 2013).

In addition Council is being asked to approve an additional amendment to the Constitution relating to the level at which future decisions are taken on the establishment of companies under the Local Authorities (Functions & Responsibilities) Order 2000. (Report No.106)

**9. REFERENCE FROM MEMBERS & DEMOCRATIC SERVICES GROUP - AMENDMENT TO CONSTITUTION: REVIEW OF SCRUTINY TERMS OF REFERENCE (Pages 69 - 92)**

To receive a report from the Director of Finance Resources & Customer Services seeking approval of amendments to the Scrutiny section within the Constitution resulting from:

- Changes introduced under the Health & Social Care Act 2012 & Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013.

- A general review of the Scrutiny Terms of Reference. (Report No.69A)

Members are asked to note that the changes recommended in the report were considered and approved for reference on to Council by the Members & Democratic Services Group (3 September 2013).

## **10. COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)** (Pages 93 - 120)

### **10.1 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.

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

The list of thirty nine questions and their written responses have been attached to the agenda.

## **11. MOTIONS**

### **11.1 In the name of Councillor Neville:**

"This Council notes the recent decision of the High Court in the case of Attfield v L B of Barnet, which ruled that increases in charges for residents permits by Barnet Council in 2011 were unlawful because Barnet's primary reason for imposing the increase was to raise additional income for highway maintenance and to contribute to the cost of concessionary fares.

This Council further notes that the report of the Director - Environment to Cabinet on 14 June 2010 proposed increases to residents parking permit

charges and on street parking charges which the Cabinet approved. The June 2010 report which the Cabinet accepted, made plain the reason(s) for the proposed increases which were identical to those in the Barnet case, and must therefore be regarded as unlawful, which were repeated by Councillor Stafford, Cabinet Member for Finance, at a public meeting which was properly minuted by Democratic Services.

The Council notes that Barnet have as a result of the High Court ruling, decided to refund not just the claimant, Mr Attfield as they were ordered, but also to refund all residents who had paid the increased charges since their introduction. In the light of this the Council instructs the Director - Environment to make immediate arrangements for similar refunds to all affected Enfield residents."

11.2 In the name of Councillor Taylor:

"The Council reaffirms its general opposition to the consequences of the BEH Strategy and its impact upon Chase Farm Hospital and the residents of Enfield.

The Council also reaffirms its opposition to the decision of the Secretary of State for Health to ignore the views of the residents of Enfield and to continue to support the decision to remove A & E and Maternity services at Chase Farm Hospital, and particularly without the planned and necessary primary care improvements being made which were a precondition agreed by his predecessor.

The Council supports the commencement of legal proceedings to challenge this decision as advised by leading Counsel and agrees that action should be pursued expeditiously in light of criticism during previous proceedings in 2008."

11.3 In the name of Councillor Charalambous:

"This Council notes that Enfield residents will be better off under a One Nation Labour Government rather than with the divisive policies being put forward by the other parties."

11.4 In the name of Councillor Sitkin:

"Enfield Council's 2020 Action Plan seeks a 40% reduction in the borough's CO2 emissions by 2020 vs. a 2005 baseline, reflecting our conviction that it is a public responsibility to help incentivise eco-investment. In Enfield, this approach is contributing to the creation of new career opportunities in the construction and manufacturing sectors; our workforce is being equipped with useful, high value skills; even as we are doing what we can to fight global warming.

This Council invites representatives from the Department of Energy & Climate Change (DECC), Department of Environment, Food & Rural Affairs

(DEFRA) and Department for Business, Innovation & Skills (BIS) to Enfield in the hope that they may benefit from the work we are doing in this area and use it to inform policy.”

## **12. MEMBERSHIPS**

To confirm the following changes to committee memberships:

(a) Older People and Vulnerable Adults Scrutiny Panel

Councillor R.Hayward to fill current vacancy.

(b) Green Belt Forum

Councillor Daring to be replaced (name to be notified).

## **13. NOMINATIONS TO OUTSIDE BODIES**

To confirm the following changes to nominations to outside bodies:

(a) Newlon Housing Association

Councillor McGowan to replace Councillor Bearryman

## **14. CALLED IN DECISIONS**

None received.

## **15. DATE OF NEXT MEETING**

To note that the next meeting of the Council will be held on Wednesday 27 November 2013 at 7.00 p.m. at the Civic Centre.

## **16. 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 items of business listed on the part 2 of the agenda on the grounds that they involve 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).

No Part 2 items have currently been identified for consideration.

**MINUTES OF THE MEETING OF THE COUNCIL  
HELD ON WEDNESDAY, 17 JULY 2013**

**COUNCILLORS**

**PRESENT** Chaudhury Anwar MBE (Mayor), Ingrid Cranfield (Deputy Mayor), Kate Anolue, Alan Barker, Ali Bakir, Chris Bond, Yasemin Brett, Jayne Buckland, Lee Chamberlain, Bambos Charalambous, Yusuf Cicek, Christopher Cole, Andreas Constantinides, Christopher Deacon, Dogan Delman, Christiana During, Patricia Ekechi, Achilleas Georgiou, Del Goddard, 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, Dino Lemonides, 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, Rohini Simbodyal, Toby Simon, Alan Sitkin, Edward Smith, Andrew Stafford, Doug Taylor, Glynis Vince, Ozzie Uzoanya, Lionel Zetter and Ann Zinkin

**ABSENT** Caitriona Bearryman, Alev Cazimoglu, Marcus East, Jonas Hall, Christine Hamilton, Daniel Pearce and Tom Waterhouse

**22**

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

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

**23**

**MAYOR'S CHAPLAIN TO GIVE A BLESSING**

Reverend Michael Edge – St Andrews Church, Enfield gave the blessing.

**24**

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

The Mayor made the following announcements.

Reverend Michael Edge from St Andrews Church, was thanked for offering the blessing at the start of the meeting.

1. The Mayor informed Members that:

a. **Armed Forces Community Covenant signing ceremony**

On Wednesday 26 June 2013, he had hosted a reception for representatives from the military (Army, Navy and Air Force), reserve forces and cadets, armed forces charities (including the Royal British Legion), and other local dignitaries, as part of the signing ceremony for the first Enfield Armed Forces Community Covenant.

The Armed Forces Community Covenant was a local statement of mutual support between a civilian community and its local Armed Forces community. Over 40 specially invited guests had attended the signing ceremony in order to demonstrate their support and commitment to the local Armed Forces community.

Enfield had been the 24<sup>th</sup> London Borough to sign a local Armed Forces Community Covenant and the ceremony had preceded the Armed Forces Day parade, held on Sunday 30 June 2013.

#### **b. London Youth Games – Finals**

On Sunday 7<sup>th</sup> July 2013 he had attended the London Youth Games at Crystal Palace. Over 900 young people in Enfield had trained and competed in the London Youth Games throughout the year, culminating in the finals weekend. In scorching weather conditions and missing some of their highest ranking team members the participants had persevered with Enfield proudly achieving a ranking of 6<sup>th</sup> place in London.

Top scoring sports had included:

- Gold medals in Fencing
- Silver medals in the Male Judo, Female table tennis and Female Athletics
- Bronze medals in Male Volleyball, Female Swimming, Male Football and Aquathon.

This represented a fantastic achievement for all players, coaches, volunteers and sports development staff involved in the Games.

2. The Mayor announced the following award:

#### **a. GO Award**

The Mayor was delighted to inform Members that the Enfield and Waltham Forest Shared Procurement Service had won the Team of the Year award at the Government Opportunities Excellence in Public Procurement Awards 2013/14.

This was one of the leading awards in the procurement sector, which the team had earned in recognition of the fact that the two Boroughs had developed the first genuine shared procurement service across London local government. The shared service had enhanced the pool of procurement expertise available to both Councils as well as creating the potential to generate greater savings through a joint approach to procurement. David Levy and representatives



from the joint procurement team were then presented with the award and congratulated by all members of the Council.

### **3. Presentation to Lawrence Greenberg (Independent Member & Person) Councillor Conduct Committee**

The Mayor invited members to join with him in thanking Lawrence Greenberg (following the expiry of his term of office as Independent Person) for his service and dedication in upholding standards and ethical conduct within Enfield Council. This was a role he had undertaken as an Independent Member of the Standards Committee from 2006 to 2013 and then as an Independent Person, under the new ethical standards framework.

He presented Lawrence Greenberg with a certificate on behalf of the Council and in making this presentation, recognised his long career dealing with complaints and arbitration. The Council had benefited from his knowledge and experience which it was felt had always been applied wisely, calmly. The Mayor highlighted the wide respect in which Lawrence was held by all Members & officers across the Council, recognising the task in keeping 63 members under control.

The Council congratulated and thanked Lawrence for his service.

### **25 MINUTES**

**AGREED** that the minutes of the Annual Council meeting held on Wednesday 8 May 2013 be confirmed and signed as a correct record.

### **26 APOLOGIES**

Apologies for absence were received from Councillors Catriona Bearryman, Alev Cazimoglu, Marcus East, Jonas Hall, Christine Hamilton, Daniel Pearce & Tom Waterhouse. Apologies for lateness were received from Councillors Jon Kaye & Simon Maynard.

### **27 DECLARATION OF INTERESTS**

None declared.

### **28 OPPOSITION BUSINESS - PLANNING PERFORMANCE**

Councillor Laban introduced the issues paper, prepared by the Conservative Group. Issues highlighted were as follows:

- (a) The Opposition Group were concerned at the current performance of the Council's planning function in relation to:

- the determination of major planning applications and possibility that this may lead to the Planning Authority being placed in “special measures” by the Department of Communities & Local Government.
  - the impact of being placed in “special measures” in terms of providing developers with the option of submitting major planning applications directly to the Planning Inspectorate (PINS) rather than the local Planning Authority for determination.
  - the adequacy of planning consultation & advice on specific applications.
  - the current level of planning contributions being required and potential deterrent in terms of encouraging development activity.
- (b) Wider concerns were also raised in relation to what were felt to be shortcomings in the strategic planning of the Authority.
- (c) The need for the relevant Cabinet members to take responsibility for the concerns highlighted in relation to planning performance, in order to ensure that Enfield’s attractiveness as a “place to do business” in wider regeneration terms was not adversely affected.

As a result of the concerns expressed the Opposition Group were seeking the commissioning of an independent peer review to examine all aspects of planning performance and benchmark this against other authorities, in order to identify the scope for any improvement.

Councillor Goddard, Cabinet member for Business & Regeneration, responded on behalf of the Majority Group, highlighting:

- (a) what was felt to be the lack of clear focus within the Opposition Business Paper, given the range of issues highlighted.
- (b) The need to recognise that the Council was operating (in strategic planning policy terms) under its Local Plan & Development Management Document and was now in the process of developing three Area Action Plans, involving substantial and wide spread public consultation. Major developments were subject to planning briefs and had also been considered in accordance with the required planning processes.
- (c) In terms of planning contributions, the Authority was in the process of consulting on its Community Infrastructure Levy (CIL) policy, with the level of contributions sought being consistent with other local authorities.

The concerns raised in relation to planning policy and the wider impact in terms of Enfield being seen as “open for business” were therefore refuted with examples provided of Enfield having been commended for its clarity of vision

and the number of applications for major developments being submitted. In addition the Council had recently launched a Planning Charter, to which a number of major developers had signed up, which it was felt again demonstrated the confidence in Enfield being an attractive borough in regeneration and development terms.

Other issues highlighted during the debate were as follows:

- (a) The wider strategic and business planning concerns identified by the Opposition Group in relation to:
- the future use and development of the Southgate Town Hall site;
  - the development and delivery of new school places under the Primary Expansion Programme;
  - the procurement of services for vulnerable clients at Honeysuckle House;
  - what was seen as the limited progress in relation to the redevelopment of vacant sites for housing purposes at Parsonage Lane and Forty Hill;
- (b) The need, identified by the Cabinet member for Environment, to recognise:
- the large volume of planning applications being dealt with by the Authority. These would be subject to careful consideration in order to ensure they complied with the relevant planning policy considerations.
  - The positive outcome of a recent independent peer review of the Council's Planning Department undertaken by the Planning Advisory Service.
  - The improved performance of the Authority in determining major planning applications which was above the % that would trigger the Planning Authority being placed in to special measures.
- (c) The scope and range of large scale housing redevelopment projects being progressed across the borough with associated employment and regeneration opportunities including, as specific examples, the schemes at Ladderswood and Alma Road.

Councillor Laban summed up by confirming that the Opposition Group had noted the decision of the Members & Democratic Services Group (8 July 13) to recommend the commissioning of an independent review of the planning function by the Planning Advisory Service (PAS). She confirmed that the Opposition Group would be willing to support the review as a way forward in terms of addressing the concerns they had raised.

In response to the debate Councillor Georgiou felt it was important to address the concerns raised in relation to management of the Middlesex University & Southgate Town Hall developments by highlighting the specific context and background to decisions made regarding use of these sites. The progress made by the current Administration in delivery of school places under the PEP was also highlighted and commended. In addition the opportunity was also taken to outline the significant level of inward investment being attracted to Enfield through its various regeneration and redevelopment schemes, with the biggest of these involving the Meridian Water project.

Given the independent nature of the review already commissioned by the Members & Democratic Services Group no request was made by the Leader of the Opposition for a vote to be taken as an outcome of Opposition Business.

**29**

**NO STONE UNTURNED IN PURSUIT OF GROWTH:**

Councillor Goddard moved and Councillor Prescott seconded the report from the Director of Regeneration, Leisure & Culture (No.44) outlining the key recommendations within the report "No stone unturned in the pursuit of growth" produced by Lord Heseltine and response published by HM Treasury and the Department for Business Innovation & Skills.

**NOTED**

1. Council was being asked to consider the case for a cross party response to the national growth strategy outlined in the report in order to ensure that:
  - a. adequate funding was made available under the single funding pot proposed within the report to promote real and sustained economic growth; and
  - b. the move towards greater localism and a more decentralised approach towards decision making by relevant agencies in local areas involved in supporting the delivery of economic growth was encouraged and supported.
2. Whilst willing to support the cross party approach recommended in the report the Opposition Group felt there was also a need to ensure action was being taken to support delivery of those recommendations which the Council was able to directly influence.

Following a period of further debate the recommendations in the report were agreed without a vote.

**AGREED** to support representations being made to the Coalition Government to promote the 89 recommendations of the Heseltine report and in order to seek clarity of the time scale for implementing the growth strategy set out in the report.

**30**

**GARFIELD SCHOOL REPROVISION OF A 3FE SCHOOL**

Councillor Orhan moved and Councillor Stafford seconded the report from the Director of Schools & Children's Services (No.207A) seeking approval to the inclusion of the scheme for the re-provision of Garfield Primary School within the Council's Capital Programme.

**NOTED**

1. The item was accompanied by a separate Part 2 report (No.210A) containing the detailed funding proposals for the scheme.
2. Cabinet on 24 April 2013 had approved the scheme for re-provision of the school. The recommendations agreed by Cabinet had been detailed in section 2.2 of the Part 1 report with the funding proposals detailed in the accompanying Part 2 report. Council was now being asked to formally approve the addition of the scheme to the Council's Capital Programme.
3. The proposal to re-provide rather than expand the existing school site with an additional form of entry (as originally included within the Council's Primary School Expansion Programme) had been developed to reflect wide ranging consultation with the school and complexities identified in relation to the site.
4. The additional community benefits arising from the scheme with the inclusion of a Multi Use Games Area (MUGA) & soft play area as part of the design proposals for use outside of school hours.
5. Whilst supportive of the re-provision proposal, concerns were highlighted by the Opposition Group in relation to:
  - a. the timescale for development of the re-provision scheme as an alternative to the original expansion proposal and any associated costs;
  - b. the need to ensure a joined up approach between the re-provision scheme and redevelopment plans for the wider Ladderswood area;
  - c. the challenging timescale identified under the key risks section within the report (para 7.2) for delivery of the new school by September 2014;
  - d. the potential reduction in playing field provision under the scheme;
6. The ongoing efforts highlighted by the Cabinet member for Children & Young People, being made by the Council under the Primary Expansion Programme to ensure that sufficient pupil places were provided to meet anticipated demand. It was felt the redevelopment of the school would provide a cost effective strategy to deliver these additional places in the locality.

Following a period of further debate the recommendations in the report were agreed without a vote.

**AGREED**

- (1) To note the recommendations agreed by Cabinet on 24 April 13, as detailed in section 2.2 of the report.
- (2) To approve the addition of the scheme to the Council's Capital Programme, subject to confirmation of the detailed financial implications

within section 6 of the Part 2 report (Min.51 refers). **(Key Decision – Reference KD3698)**

**31**

**SCHOOL EXPANSION PROGRAMME PHASE 2 2013/14 - 2017/18**

Councillor Orhan moved and Councillor Stafford seconded the report from the Director of Schools & Children's Services (No.13A) seeking approval to the inclusion of Phase 2 of the strategy for the provision of pupil places 2013-14 – 2017/18 within the Council's Capital Programme.

NOTED

1. Cabinet on 19 June 2013 had approved the updated strategy and budget, as detailed in section 2.1.1 – 2.1.6 of the report. Council was now being asked to formally approve the addition of Phase 2 of the School Expansion Programme to the Council's Capital Programme.
2. The ongoing need identified for the provision of primary school places, as detailed in section 4 of the report in order to meet projected demand.
3. The thanks expressed by the Cabinet member for Children & Young People to all schools and officers involved, for their support in delivery of the Primary Expansion Programme (PEP) to date. The PEP had been subject to ongoing monitoring, adaptation and development in order to reflect consultation, site constraints and planning issues with the major changes outlined in section 3.2 of the report.
4. The updated programme and project management arrangements to be established for delivery of Phase 2 of the School Expansion Programme, as detailed in section 4.17 – 4.23 of the report.
5. The concerns highlighted by the Opposition Group in relation to:
  - a. the basis of the independent review which the Council had commissioned in relation to projected pupil place demand in addition to the annual release of population projections by the Greater London Authority;
  - b. the need to ensure a joined up approach in relation to the planning, design and delivery of each project to ensure that any association traffic and planning issues were addressed in a co-ordinated way;
  - c. the development of associated plans to address secondary provision across the borough; and
  - d. the limited level of detail within the report in relation to specific site proposals and availability of funding, given the dependency on future allocations of Government grants and outcome of the bid for Targeted Basic Need Grant which were still to be announced;
6. The challenging nature of the delivery programme, given the projected level of demand for school places, recent changes in national policy and the funding regime, which Phase 2 of the strategy had been developed to recognise and address.

Following a period of further debate the recommendations in the report were agreed without a vote.

## AGREED

- (1) To note the recommendations agreed by Cabinet on 19 June 13, as detailed in section 2.1.1 – 2.1.6 of the report.
- (2) To the approve and adopt Phase 2 of the School Expansion Programme in the Council's Capital Programme on the basis of a provisional budget of up to £44.318m to deliver 1,680 extra Council funded Primary school reception places, including the cost of rebuilding and re-configuring existing schools between 2013/14 and 2017/18, subject to availability of funding, agreement of detailed scheme costs, and clear demonstration of value for money. **(Key Decision – Reference KD3719)**

## 32

### CHANGE IN 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 20.2: Motion in the name of Councillor McGowan on protection of the National Health Service

The change in order of the agenda was agreed without a vote.

Please note the minutes reflect the order in which the item was dealt with at the meeting.

## 33

### MOTION & COUNCIL PROCEDURE RULE 8 - DURATION OF COUNCIL MEETING

1.1 Councillor McGowan moved and Councillor Taylor seconded the following motion:

"We recently celebrated the 65<sup>th</sup> birthday of our beloved National Health Service.

Labour created the NHS in 1948, and it is one of our proudest achievements. It's 65<sup>th</sup> birthday is an opportunity to celebrate. However, if we are going to commemorate further milestones then we need to make sure our NHS is strengthened and protected for the future.

Will the Council do everything it can do to protect this most important public service to Enfield residents, and make sure on this important anniversary we stay true to the values that have made it the envy of the world"

Having moved the motion, Councillor McGowan immediately moved and Councillor Brett seconded the following amendment:

(a) To amend the second paragraph to read:

“Enfield Council will do everything it can do to protect this most important public service to Enfield residents, and make sure on this important anniversary we stay true to the values that have made it the envy of the world. We will also support the NHS by urging CCGs to make a commitment to maintain NHS services in the public sector where possible.”

(b) To add as a final paragraph:

“Council notes the letter sent to the Secretary of State by the Council Leader and endorses the strategic approach to Chase Farm hospital agreed by Cabinet on July 10<sup>th</sup> 2013.”

During the debate on this motion the Mayor advised the Council that in accordance with Council Procedure Rule 8 (page 4-8 – Part 4), the meeting was due to end at 10:15pm. As there were still a number of members from both Groups who had indicated they would like to speak on the item the Leader advised that he was minded to recommend an extension to the time of the meeting in order to allow the debate to be concluded.

Councillor Taylor therefore moved and Councillor Constantinides seconded a procedural motion under Council Procedure Rule 8 to extend the time of the meeting for an additional period of 30 minutes. This was agreed by Council, without a vote.

The debate then continued and at the end of the extended time period the amendment to the motion was put to the vote, with the following result:

For: 31  
Against: 0  
Abstention: 18

The substantive motion (as amended and detailed below) was then put to the vote, without further debate:

“We recently celebrated the 65th birthday of our beloved National Health Service.

Enfield Council will do everything it can do to protect this most important public service to Enfield residents, and make sure on this important anniversary we stay true to the values that have made it the envy of the world. We will also support the NHS by urging CCGs to make a commitment to maintain NHS services in the public sector where possible.

Council notes the letter sent to the Secretary of State by the Council Leader and endorses the strategic approach to Chase Farm hospital agreed by Cabinet on July 10<sup>th</sup> 2013.”



This was agreed, with the following result:

For: 31  
Against: 0  
Abstention: 18

**34**  
**DURATION OF COUNCIL MEETING**

NOTED that in accordance with Council Procedure Rule 8 (page 4-8 – Part 4), the remaining items of business on the Council agenda were considered without debate, as the time available for the meeting (as extended) had elapsed.

**35**  
**SECTION 16 OF THE LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003 (FOR THE MANAGEMENT OF ILLEGAL FOOTWAY CROSSOVERS)**

RECEIVED the report of the Director – Environment (No.45) seeking approval for the date upon which a Section 16 notice to be served under the London Local Authorities and Transport for London Act 2003 would come into effect.

NOTED that serving of the notice for which approval was being sought, followed on from Cabinet approval of the Footway Crossover and Enforcement Policy on 24 April 2013.

**AGREED** that the appointed day for implementation of section 16 of the London Local Authorities and Transport for London Act 2003 be 1st November 2013. **(Key Decision – Reference KD3664)**

**36**  
**REPROVISION PROJECT - NEXT STEPS**

RECEIVED a report from the Director of Health, Housing & Adult Social Care (No.29) proposing a way forward in terms of next steps in the development and delivery of the reprovision.

NOTED

1. The recommendations in Report (No.29) had been approved by Cabinet on 10 July 2013. The item was accompanied by a separate Part 2 report (No.31), which had also been approved by Cabinet on 10 July 2012 and contained a recommendation to Council seeking approval for the addition of the scheme to the Council's Capital Programme (Min.52 refers).
2. In view of 1.above Report No.29 had been included on the Council agenda for information, as background to the recommendation made to Council.

**AGREED** to note the recommendations approved by Cabinet on 10th July 2013. **(Key Decision – Reference KD3593)**

**37**

**2014-18 MEDIUM TERM FINANCIAL PLAN UPDATE & 2013 SPENDING ROUND**

The Assistant Director Corporate Governance advised Members that this item had been withdrawn for consideration from the agenda.

**38**

**IMPLEMENTING HEALTHWATCH IN ENFIELD - DELIVERY OF THE HEALTHWATCH FUNCTIONS**

RECEIVED a report from the Director of Health, Housing & Adult Social Care updating on progress with the development of Healthwatch in Enfield and seeking formal approval (under the terms of the Council's Constitution) to the creation of a Community Interest Company to deliver the Healthwatch function and associated grant funding.

**AGREED**

- (1)** To note the progress to date on developing and implementing Healthwatch in Enfield.
- (2)** To formally approve the creation of a Community Interest Company limited by guarantee, named as Enfield Consumers of Care and Health Organisation (ECCHO), that will take on functions described in the Health and Social Care Act 2012.
- (3)** To note, following on from **(2)** above, that the Cabinet Member for Adult Services, Care & Health would be requested to agree by Portfolio decision, the provision of a grant (subject to conditions, including a satisfactory annual performance review) to ECCHO for delivery of the functions of the Local Healthwatch as provided under the Health and Social Care Act 2012. **(Key Decision – Reference KD3665)**

**39**

**REFERENCE FROM THE MEMBERS & DEMOCRATIC SERVICES GROUP - AMENDMENTS TO THE CONSTITUTION: COUNCILLOR CONDUCT COMMITTEE & MEMBERS CODE OF CONDUCT**

RECEIVED a report from the Director of Finance, Resources & Customer Services (No.48) seeking approval to the amendment of the Terms of Reference for the Councillor Conduct Committee and to the Member Code of Conduct.

NOTED that the proposed amendments had been considered and approved for recommendation on to Council by the Councillor Conduct Committee (2 May 2013) and Members & Democratic Services Group (8 July 2013).

**AGREED** to approve the amendments to the Terms of Reference for the Councillor Conduct Committee and Member Code of Conduct, as detailed in section 3.1.2 of the report.

**40**  
**COUNCILLOR CONDUCT COMMITTEE ANNUAL REPORT 2012/13**

RECEIVED the 2012/13 Annual Report from the London Borough of Enfield Councillor Conduct Committee setting out the key issues dealt with during 2012/13.

NOTED that the Annual Report had been approved and recommended onto Council by the Councillor Conduct Committee on 25 June 2013.

**AGREED** that the Councillor Conduct Committee Annual Report 2012/13 be noted and approved.

**41**  
**SCRUTINY ANNUAL REPORT 2012/13**

RECEIVED the Scrutiny Annual Report 2012/13 detailing the work undertaken by the Council's scrutiny function during the 2012/13 municipal year.

NOTED the Annual Report had been approved and recommended onto Council by the Overview & Scrutiny Committee on 12 March 2013.

**AGREED**

- (1) To endorse the Scrutiny Annual Report 2012/13.
- (2) To note the areas identified as future challenges for Enfield's scrutiny function with the Annual Report.

**42**  
**AUDIT COMMITTEE ANNUAL REPORT 2012/13**

RECEIVED the annual report from the London Borough of Enfield's Audit Committee setting out the key issues dealt with by the Committee during the 2012/13 municipal year.

NOTED the annual report had been considered and recommended onto Council by Audit Committee on 9 July 2013.

**AGREED** that the Audit Committee Annual Report 2012/13 be noted and approved

**43**

**COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)**

**1.1 Urgent Questions**

None received.

**1.2 Questions by Councillors**

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

**44**

**MOTIONS**

The following motions listed on the agenda, lapsed due to lack of time:

**1.1 In the name of Councillor Smith:**

"This council agrees to put in place as soon as possible a transfer system itself or in collaboration with other housing organisations to assist social housing tenants in Enfield affected by the reduction of housing benefit who are under occupying their homes to enable them to swap with households that are entitled to social housing that are currently overcrowded, those transfer arrangements to include financial assistance to cover moving expenses where appropriate."

**1.2 In the name of Councillor Sitkin:**

"Enfield Council's 2020 Action Plan seeks a 40% reduction in the borough's CO2 emissions by 2020 vs a 2005 baseline, reflecting our conviction that it is a public responsibility to help incentivise eco-investment. In Enfield, this approach is contributing to the creation of new career opportunities in the construction and manufacturing sectors; our workforce is being equipped with useful, high value skills; even as we are doing what we can to fight global warming.

This Council invites representatives from the Department of Energy & Climate Change (DECC), Department of Environment, Food & Rural Affairs (DEFRA) and Department for Business, Innovation & Skills (BIS) to Enfield in the hope that they may benefit from the work we are doing in this area and use it to inform policy."

**45**

**USE OF THE COUNCIL'S URGENCY PROCEDURES**

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 notice required of a Key Decision 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:

- Purchase of Orchardside Nursery, Bullsmoor Lane, Enfield, EN1 4RL

#### **46 MEMBERSHIPS**

**AGREED** to confirm the following changes to committee memberships:

**(1) Sustainability and the Living Environment Scrutiny Panel**

Councillor Bakir to replace Councillor Murphy

**(2) Edmonton Partnership Working Group**

Membership of Working Group to be increased from 5 to 7 members with an additional position to be allocated to each Group. Councillor Ekechi and Councillor Hall to fill the additional vacancies and Councillor Chamberlain to replace Councillor Laban

#### **47 NOMINATIONS TO OUTSIDE BODIES**

**AGREED** to confirm the following changes to nominations to outside bodies:

**(1) Enfield Homes Board**

Councillor Murphy to replace Councillor Bakir

#### **48 CALLED IN DECISIONS**

None received.

#### **49 DATE OF NEXT MEETING**

NOTED that the next meeting of the Council would be held at 7.00pm on Wednesday 9 October 2013 at the Civic Centre.

#### **50 EXCLUSION OF THE PRESS & 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 items of business listed on part 2 of the agenda on the grounds that they involved 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).

**51**

**GARFIELD SCHOOL REPROVISION OF A 3FE SCHOOL**

RECEIVED a report from the Director of Schools & Children's Services (No.201A) setting out proposals for funding the reprovision of Garfield School.

NOTED that the report and recommended inclusion of the scheme on the Council's Capital Programme had been approved for referral onto Council by Cabinet (24 April 2013). Report No.207A (Part 1 Agenda) also refers (Min.30 refers)

**AGREED** to note the funding proposals detailed within section 6 of the report and confirm addition of the reprovision scheme to the Council's Capital Programme. **(Key Decision – Reference KD3698)**

(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)

**52**

**REPROVISION PROJECT - NEXT STEPS**

RECEIVED a report from the Director of Health, Housing & Adult Social Care (No.31) seeking approval of the next steps identified in relation to the reprovision project.

NOTED that the report and recommended inclusion of the scheme on the Council's Capital Programme had been approved for referral onto Council by Cabinet (10 July 2013). Report No.29 (Part 1 Agenda) also refers (see Min.36 above).

**AGREED** to approve the addition of the Reprovision Project to the Council's Capital Programme, as detailed within recommendation 2.4 of the report, at an estimated cost of £6.86m over 37 months. This includes expenditure on professional and technical costs to facilitate undertaking inception, feasibility and scheme design stages estimated at £200,000. **(Key decision – Reference KD3593)**

(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)

## MUNICIPAL YEAR 2013/2014 – REPORT NO. **58**

**MEETING TITLE AND DATE:**

Overview & Scrutiny Committee  
 - 24<sup>th</sup> June 2013  
 CMB  
 - 9<sup>th</sup> July 2013  
 Cabinet  
 - 18<sup>th</sup> September 2013  
 Council  
 - 9<sup>th</sup> October 2013

**REPORT OF:**

Overview & Scrutiny Committee

<b>Agenda - Part:</b> 1	<b>Item:</b> 7
<b>Subject:</b>	
SCRUTINY ANNUAL WORK PROGRAMME 2013/14	
WARDS: None Specific	
Cabinet Members consulted: Cllrs Taylor and Georgiou Other Members consulted – Overview & Scrutiny Committee	

Contact officer and telephone number:

Mike Ahuja (Head of Corporate Scrutiny Services) Tel: 020 8379 5044 e-mail:  
 Mike.Ahuja@enfield.gov.uk

### 1. EXECUTIVE SUMMARY

- 1.1 This report and Appendix 1 sets out the annual work programme for the Council's Scrutiny Panels and Overview & Scrutiny Committee (OSC).
- 1.2 The Council's Constitution requires that the combined work programmes proposed by each Panel are adopted by Council (as an annual scrutiny work programme), on the recommendation of the Overview & Scrutiny Committee, following consultation with the Corporate Management Board (CMB) and the Cabinet.
- 1.3 Cabinet is being invited to comment on the Scrutiny Annual work programme recommended by OSC, prior to approval by Council.

### 2. RECOMMENDATIONS

- 2.1 Cabinet consider and comment on the combined Scrutiny Panel Work Programmes.
- 2.2 That Council formally adopt the annual Scrutiny Work Programme 2013/14 (as detailed in Appendix 1) having considered any comments from CMB & Cabinet.

### 3. BACKGROUND

- 3.1 Enfield Council has a successful scrutiny function with examples of strong community engagement and tangible challenges to the Council's Executive. This continues to be recognised nationally, recently receiving a delegate of South African Councillors to look at good practice in Scrutiny and community engagement.
- 3.2 In the absence of any national indicators, Enfield has developed its own scrutiny evaluation framework and tracking system to monitor progress being made against the implementation of scrutiny recommendations. The results from both of these systems are reported to OSC annually for monitoring purposes and to assist members in the ongoing organisation and development of the scrutiny function.
- 3.3 Enfield has adopted a mixed thematic & functional scrutiny structure with an Overview & Scrutiny Committee (OSC) established to manage the overall function and Scrutiny Panels. The areas covered by each of the Council's Scrutiny Panels are as follows:

<b>Scrutiny Panel</b>	<b>Chairman</b>	<b>Vice-Chairman</b>
Overview and Scrutiny	Councillor Simon	Councillor Sitkin
Older People & Vulnerable Adults	Councillor G Savva	To be confirmed
Children & Young People	Councillor Simbodyal	Councillor Kaye
Crime & Safety & Strong Communities	Councillor Rye	Councillor Cranfield
Sustainability & the Living Environment	Councillor Sitkin	Councillor Laban
Health & Wellbeing	Councillor Cazimoglu	Councillor Pearce
Housing Growth & Regeneration	Councillor Smith	Councillor Uzoanya

- 3.4 In the last few years scrutiny has been given more power to hold a wider range of the Council's key external strategic partners to account: These include:
- The Councillor Call for Action, providing members with an opportunity to raise local issues via scrutiny when other methods of resolution have been exhausted.
  - The petition scheme which includes, as an option, the ability for scrutiny to review issues raised through petitions, hold officers to account as well as acting as an appeals mechanism.
- 3.5 The main role of OSC, alongside dealing with call-in, petitions and CCfAs, is to provide leadership and co-ordination of the Council's scrutiny function. A key function is to review the combined annual work programmes produced by each panel in order to:
- ensure that the Council's scrutiny function is achieving its overall purpose and each Panel's time is being efficiently and effectively used;



- ensure that the overall work programme is realistic, focussed and well balanced;
- effectively co-ordinate and manage the allocation of resources between Panels to support the scrutiny function and individual reviews;
- identify and address any gaps or overlaps between the individual Panel work programmes and any potential for joint working; and
- approve for adoption by Council, following consultation with CMB & Cabinet, an overall annual scrutiny work programme;

3.6 The annual scrutiny work programme individual Panel work programmes have been collated and attached as Appendix 1.

Cabinet, are asked to note that:

- a. In order to ensure the most effective use of officer support and member time each Panel will again be looking to limit the number of detailed reviews being undertaken at any one time to two;
- a. Each of the work programmes will need to be treated with a degree of flexibility as Panels may amend some of the work they have initially identified as their work programmes develop and scopes for each review are finalised;
- b. The individual work programmes will be subject to ongoing development and continuous review by each Scrutiny Panel.

#### **4. REVIEW OF PANEL WORK PROGRAMMES**

4.1 OSC (24th June 2013) undertook a review of the combined Panel work programmes and agreed to recommend these as the basis of the 2012/13 annual scrutiny work programme to Council with the following comments:

- Councillor Sitkin requested a joint meeting with the Crime & Safety Scrutiny Panel to discuss allotment security, street light trimming and dimming..
- Councillor Sitkin sought clarification as to whether Members may attend and contribute to other Scrutiny Panel meetings and working groups, he was advised that with the prior acknowledgement of the Chair of the panel attendance would be welcome.

#### **5. COMMENTS FROM CORPORATE MANAGEMENT BOARD & CABINET**

5.1 CMB noted the report and work programmes on the 9<sup>th</sup> July 2013.

5.2 Cabinet is being invited to comment on the combined Panel Work Programmes recommended by OSC, prior to their consideration by Council as the basis of the Annual Scrutiny Work Programme for 2013/14. Any comments made by Cabinet will be reported to Council for consideration on 9th October 2013.

#### **6. REASONS FOR RECOMMENDATION**

To comply with the requirements of the Council's Constitution.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

No other options have been considered as the Overview & Scrutiny Committee is required, under the Council's Constitution, to present an annual scrutiny work programme to Council for adoption.

## **8. DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES COMMENTS**

### **8.1 Finance**

Any cost implications of undertaking the Scrutiny Panel work programmes, that cannot be met from within the budget allocated to scrutiny, will need to be addressed through the financial monitoring process.

### **8.2 Legal**

8.2.1 Section 21 of the Local Government Act 2000 requires principal local authorities to have at least one overview and scrutiny committee. Its functions are to:

- review or scrutinise decisions or actions taken by the cabinet or any non-executive part of the council;
- make reports or recommendations to the Council or the Cabinet on any issue to do with the Council's functions;
- and recommend that any decision be re-considered;

8.2.2 The Council's Constitution requires the reporting of the Annual Work Programme for approval.

### **8.3 Key Risks**

Any risks relating to individual scrutiny reviews will be identified and assessed through the scrutiny review scoping process.

## **9. IMPACT ON COUNCIL PRIORITIES**

### **9.1 Fairness for All**

The role of scrutiny in Enfield includes ensuring, as part of any review, that services are being provided on a fair and equitable basis for all members of our communities. Relevant studies will include reviews around the impact of the welfare reform, primary pupil places & getting young people into work.

### **9.2 Growth & Sustainability**

Growth and Sustainability are now within the remit of the Housing, Growth & Regeneration Scrutiny Panel. As part of the approach towards scrutiny in Enfield all Panels are being encouraged to consider issues relating to sustainability and the support that can be provided to secure further inward investment in the borough.

### **9.3 Strong Communities**

The scrutiny process provides an opportunity for elected members of scrutiny panels, and members of the local community, to actively contribute towards reviewing the delivery, performance and development of public services provided to all residents of Enfield by the Council and its partners. Community engagement has been recognised as a particular strength of scrutiny in Enfield and its intended to continue encouraging this approach over the coming year.

## **10. EQUALITIES IMPACT IMPLICATIONS**

Equalities impact assessments relating to individual scrutiny reviews will be assessed through the scrutiny review process.

## **11. PERFORMANCE MANAGEMENT IMPLICATIONS**

11.1 The key aims for the Council's scrutiny function include:

- to review & assess the delivery and performance of services provided by the Council and its partners.
- to assist in the monitoring & development of Council policies and strategies;

11.2 The work programmes produced by each Panel are designed to reflect these aims and as such the work undertaken by the Council's scrutiny function has a significant role to play in the Council's performance management.

## **12. PUBLIC HEALTH IMPLICATIONS**

The Scrutiny function has a significant role to play in ensuring that the Local Authority, the NHS and other Healthcare providers, deliver services that are accessible and of high quality.

Background Papers: None



## OVERVIEW & SCRUTINY COMMITTEE: WORK PROGRAMME 2013/2014

WORK	Lead Officer	Mon 24 June 13	Thurs 26 Sept 13	Mon 4 Nov 13	Thurs 30 Jan 14	Thurs 27 Mar 14	Wed 30 April 14
<b>Work Programme</b>							
(a) Setting Overview & Scrutiny Annual Work Programme 2013/14	Mike Ahuja	OSC work programme					
(b) Scrutiny Annual Work Programme 2013/14	Claire Johnson To go to Cab 18/9 To go to Council 9/10	Review & approve work programme					
<b>Council Corporate Complaints:</b> OSC to receive Council's annual complaints report	John Austin		Report				
<b>Performance Management</b>							
<b>Corporate Policy/Strategy</b>							
(a) HR Apprenticeship scheme & workplacements - Annual monitoring update on Council work experience programme & Apprenticeship Scheme	Tony Gilling/Mike Ahuja						Update from Tony Gilling
(b) Audit Commission – Management of the Green Belt – review of disposal	Mike Ahuja Peter Cook			Review of disposal and concession			
(c) Revenues & Benefits Service – performance monitoring (Mike to discuss with OSC Chairman)	Kate Robertson//Mike Ahuja						Annual Monitoring Update

<b>WORK</b>	<b>Lead Officer</b>	<b>Mon 24 June 13</b>	<b>Thurs 26 Sept 13</b>	<b>Mon 4 Nov 13</b>	<b>Thurs 30 Jan 14</b>	<b>Thurs 27 Mar 14</b>	<b>Wed 30 April 14</b>
<b>(d) Use of consultant, interims &amp; agency staff – review of use within council. (do we need this one again this year)</b>	James Rolfe/Tony Gilling			Monitoring Update			
<b>(e) Impact of Welfare Reform</b>	Kate Robertson						
<b>Disposal of green belt properties from last financial year</b>							
<b>Scrutiny Monitoring Items</b>							
<b>(a) Scrutiny Evaluation Framework</b>	Claire Johnson		2012/13 assessment				
<b>(c) Scrutiny Member Induction</b>	Mike Ahuja					Planning 2014/15 session	
<b>Monitoring use of Urgency Procedures</b>	James Kinsella			6 monthly monitoring update			6 monthly monitoring update
<b>Monitoring of customer service complaints</b>	John Austin						
<b>Other Items:</b>							
<b>Legislative Changes – Localism and Health &amp; Social Care Bill: Briefing on scrutiny impact.</b>	Mike Ahuja/Claire Johnson	Paula Harvey to provide legislation update					

<b>Councillor Call for Action –</b> as required during the year	Sue Payne					<b>Update</b>	
<b>Petitions</b>	Mike Ahuja					<b>update</b>	
<b>Scrutiny Annual Report</b>	Mike Ahuja					<b>Format</b>	Outline Report 2013/14

## Children & Young People Scrutiny Panel Scrutiny Work Programme 2013/2014

WORK	Members Support Officer & Department Lead	25 <sup>th</sup> June	18 <sup>th</sup> Sept	7 <sup>th</sup> Nov	7 <sup>th</sup> Jan	4 <sup>th</sup> Mar
Annual Work Programme	Claire Johnson	Agree work programme				
Budget Consultation	James Rolfe				Consultation	
Annual Report	Claire Johnson					Agree Draft report
Councillor Call for Action						
Working Groups						
Primary Pupil Places	Nneka Keazor, Rohini Simbodyal, Glynis Vince, Jenny Tosh		Update			
Getting Young People into Employment, Education & Training	Rohini Simbodyal, Jon Kaye, Chris Deacon, Catriona Berryman, David Barnard, Claire Johnson		Final Report			
Raising of the Participation age						



<b>WORK</b>	<b>Members Support Officer &amp; Department Lead</b>	<b>25<sup>th</sup> June</b>	<b>18<sup>th</sup> Sept</b>	<b>7<sup>th</sup> Nov</b>	<b>7<sup>th</sup> Jan</b>	<b>4<sup>th</sup> Mar</b>
<b>Reports &amp; Briefings to Panel</b>						
<b>Change &amp; Challenge</b>	Anne Stoker	<b>Briefing to Panel</b>				
<b>Exclusions</b>	James Carrick	<b>Briefing to Panel</b>				
<b>Infant Mortality</b>	Andrew Burnett	<b>Briefing to Panel</b>				
<b>Pupil Premiums</b>						
<b>School Improvement Strategy</b>	Jenny Tosh					
<b>Monitoring Issues</b>						
<b>Children's Social Care complaints</b>	Lesley Morton					
<b>Adoption Performance</b>	Tony Theodolou		<b>Report</b>			<b>Report</b>
<b>Fostering Performance</b>	Tony Theodoulou		<b>Report</b>			<b>Report</b>
<b>Recruitment &amp; Retention of Children's Social Workers</b>	Andrew Fraser					
<b>Local Safeguarding Board Annual Update</b>	Andrew Fraser					

**CRIME & SAFETY & STRONG COMMUNITIES SCRUTINY PANEL: WORK PROGRAMME 2013/2014**

<b>WORK</b>	<b>Members, Support Officer &amp; Departmental Lead Officer</b>	<b>11 July</b>	<b>8 Oct</b>	<b>18 Dec</b>	<b>13 Feb</b>	<b>3 Apr</b>
<b>Work Programme:</b>						
<b>Panel Work Programme 2013/14 – To consider the Panel work programme</b>	Sue Payne	<b>Approve Programme</b>				
<b>Scrutiny Reviews:</b>						
Risks to young women in relation to gang violence	Sue Payne, Cllrs Cranfield, Vince, Hasan, Mike Ahuja			<b>Update</b>		
ASB- including how this is tackled in collaboration and how different communities are effected	Sue Payne, Cllrs Rye, Bearyman, Chamberlain, Mike Ahuja					
Community Confidence looking at changes to the police and probation	Sue Payne, Cllrs tbc					
<b>Work- standing items</b>						
<b>SSCB Partnership Plan &amp; Strategic Priorities – To review and participate in the consultation process on development of the Plan and strategic priorities for 2013 – 14.</b>	Rod Bennett/ Sue Payne		<b>Progress Update</b>	<b>6 month update- on current plan and progress update – engagement in consultation process</b>	<b>Progress Update – Feedback on public consultation &amp; outline priorities</b>	<b>Final Report</b>
<b>SSCB Performance Management – To develop and provide a monitoring overview on performance of SSCB</b>	Rod Bennett/ Sue Payne	<b>Monitoring Update</b>		<b>Monitoring Update</b>		<b>Monitoring Update</b>

Update on SNT Numbers	Supt Jon Speed	<b>Standing item</b>	<b>Standing Item</b>	<b>Standing Item</b>	<b>Standing Item</b>	<b>Standing Item</b>
<b>Member Briefings &amp; Monitoring:</b>						
Gangs strategy	Rod Bennett/ Sue Payne					
Stop and Search Community monitoring group	Sue Payne/ Rod Bennett					
Property Crime	Sue Payne/ Rod Bennett					
Protecting People in Public Health						
<b>Corporate Scrutiny Issues:</b>						
Budget Consultation Process 2013/14	Sue Payne			<b>To Consider 2013/14 Budget Consultation Proposals</b>		
Scrutiny Annual Report 2013/14	Sue Payne					<b>Panel Report</b>
Councillor Call for Action – as identified.	Sue Payne					

## Housing, Growth and Regeneration Scrutiny Panel **DRAFT** Work Programme 2013/2014

WORK	Lead Member, Support Officer & Panel Department Lead	Tues 2 July 13	Thurs 19 Sept 13	Tues 19 Nov 13	Weds 15 Jan 14	Tues 1 April14
<b>DEADLINE FOR REPORTS</b>		<b>21st June 13</b>	<b>6th Sept 13</b>	<b>8<sup>th</sup> Nov 13</b>	<b>3rd Jan 14</b>	<b>21st<sup>n</sup> Mar 14</b>
Annual Work Programme		Agree work programme				
Budget Consultation	James Rolfe					
Annual Report	Andy Ellis					
Councillor Call for Action						
<b>Briefings and Updates</b>						
Employment Strategy/Worklessness Commission	Neil Rousell					
HRA Business Plan	Paul Davey					
Estate Regeneration Update	Paul Davey					
Homelessness Strategy	Sally McTernan					
Impact of Welfare Reform	Sally Mcternan					
Transfer of Enfield Homes	Paul Davey					
Town Centre Strategy	Neil Rousell					
Market Gardening	Neil Rousell					
Electric Quarter/Meridian Water update	Paul Walker					
Strategic Planning-progress update	Neil Rousell					
Garage Strategy	Paul Davey					

<b>New Reviews ( Working Groups)</b>						
TBC – Impact of Welfare Reform	Cllr Brett					
<b>Monitoring</b>						
Open Slot		X1	X1	X2	X1	X1

## OLDER PEOPLE & VULNERABLE ADULTS SCRUTINY PANEL: WORK PROGRAMME 2013/2014

Work Programme	Lead Officer	Tues 9 <sup>th</sup> July 2013 (papers by 27 <sup>th</sup> June)	Thurs 3 <sup>rd</sup> October 2013 (papers by 23 <sup>rd</sup> Sept)	Tues 10 <sup>th</sup> December 2013 (papers by 28 <sup>th</sup> November)	Wed 5 <sup>th</sup> February 2014 (papers by 27 <sup>th</sup> January 2014)	Wed 26 <sup>th</sup> March 2014 (papers by 17 <sup>th</sup> March 2014)
<b>Annual Items</b>						
Setting Annual Work Programme 2012/13	Linda Leith	Agreement of Work Programme				
Scrutiny Annual Report 2012/13	Linda Leith					<b>Draft Annual Report 2012/13</b>
Budget Consultation & Budget Commission	Linda Leith/ Finance			HASC Budget & Budget Pressures Report		
Councillor Call for Action (CCfA) – as required						
<b>Monitoring Items</b>						
Voluntary and Community Sector Strategic Framework 2012-15 update	Michael Sprosson					
Local Account Consultation (HASC Performance)	Doug Wilson					
National Performance Indicators - quarterly ? updates						
Intermediate Care and Re-enablement Strategy - Action Plan Progress	Jennie Bostock					
Carers Strategy implementation	Rosie Lowman					

Work Programme	Lead Officer	Tues 9 <sup>th</sup> July 2013 (papers by 27 <sup>th</sup> June)	Thurs 3 <sup>rd</sup> October 2013 (papers by 23 <sup>rd</sup> Sept)	Tues 10 <sup>th</sup> December 2013 (papers by 28 <sup>th</sup> November)	Wed 5 <sup>th</sup> February 2014 (papers by 27 <sup>th</sup> January 2014)	Wed 26 <sup>th</sup> March 2014 (papers by 17 <sup>th</sup> March 2014)
Dementia Strategy - Action Plan progress	Jennie Bostock Paul Allen					
Modernisation of Services for People with Dementia – New Care Home (Elizabeth House) Watching Brief	Pauline Kettless					
Social Services Income Collection and Debt Write-Offs (annually.) To include Glossary, Top 10 from 12/13 for comparison, age of debt	Tim Worrall			Monitoring Report		
Home Care Contract Performance and (Electronic Monitoring System)	Pauline Kettless					
Annual Safeguarding Adults Board Report and Strategy.	Sharon Burgess		Invite Marian Harrington (Chair of SAB) to present Safeguarding Annual Report.			
Quality Checkers	Barrett Ayer					Update briefing inc Home Care Services
<b>Additional Items</b>						
Joint Strategic Needs						

Work Programme	Lead Officer	Tues 9 <sup>th</sup> July 2013 (papers by 27 <sup>th</sup> June)	Thurs 3 <sup>rd</sup> October 2013 (papers by 23 <sup>rd</sup> Sept)	Tues 10 <sup>th</sup> December 2013 (papers by 28 <sup>th</sup> November)	Wed 5 <sup>th</sup> February 2014 (papers by 27 <sup>th</sup> January 2014)	Wed 26 <sup>th</sup> March 2014 (papers by 17 <sup>th</sup> March 2014)
Assessment re OP&VA						
Impact of Welfare Reform	Ray James				Briefing	
Formont Centre visit - 4 <sup>th</sup> July 2013						
Mental Health Training?						
Adult Social Care Peer Review July 2013 report	Ray James		Briefing			
Transition from children's to adult services						
Government Social Care Funding proposals for 2016	Ray James					
Carers Centre visit?						
Assistive Technology Visit?						
<b>Scrutiny Reviews (Working Groups) to be Continued:-</b>						
Personalisation of Care: including e-Marketplace Development update	Lorraine Davies  Matt White/ Martin Abrey					
<b>New Scrutiny Reviews 2013/14 (TBC)</b>						
Hospital Discharge arrangements – potential joint work with H&W SP	Lorraine Davies Kate Charles or Paul Allen	Briefing/scope				
<i>Potential joint work with H&amp;W SP on Mental Health</i>	<i>Bindi Nagra/ Clare Duignan</i>	<i>Briefing/scope</i>				



## HEALTH & WELLBEING SCRUTINY PANEL : WORK PROGRAMME 2013/2014

Work Programme	Lead Officer	Wednesday 10 July 2013 (papers by 1 July)	Thurs 12 Sept 2013 (papers by 2 <sup>nd</sup> Sept)	Thurs 21 Nov 2013 (papers by 11 <sup>th</sup> Nov)	Tues 21 Jan 2014 (papers by 9 <sup>th</sup> Jan)	Tues 11 March 2014 (papers by 27 <sup>th</sup> Feb)
<b>Annual Items</b>						
Setting Annual Work Programme 2013/14		To agree				
Scrutiny Annual Report 2013/14						To agree
Budget Consultation & Budget Commission				Consultation Briefing or 21 <sup>st</sup> January?		
Councillor Call for Action (CCfA) – as required						
NHS Trust Quality Accounts B&CF (RF),NMUH, BEHMHT (NL Hospice also) inc patient and carer complaints						To respond and discuss but these will not be ready until end of April
<b>Rolled Forward Monitoring Items From 2012/13</b>						
Local Aspects of Health & Social Care Act - progress - CCG Authorisation	Enf CCG (Dr Alpesh Patel/ Liz Wise)					
Primary Care Strategy inc NHS 111, GP quality inc NHS England (London Region) commissioning GP Patient Participation Groups,	(EnfCCG Liz Wise/Dr Alpesh Patel)					

Work Programme	Lead Officer	Wednesday 10 July 2013 (papers by 1 July)	Thurs 12 Sept 2013 (papers by 2 <sup>nd</sup> Sept)	Thurs 21 Nov 2013 (papers by 11 <sup>th</sup> Nov)	Tues 21 Jan 2014 (papers by 9 <sup>th</sup> Jan)	Tues 11 March 2014 (papers by 27 <sup>th</sup> Feb)
NHS engagement						
BEH Clinical Strategy implementation inc A&E & Maternity, engagement	Enf CCG (Liz Wise/ Siobhan Harrington)		Update	Update		
Stroke Strategy watching Brief - Implementation	Jenny Bostock Cllrs AMP/CD					
B&CF Trust Acquisition by Royal Free proposal						
End of Life Strategy - Implementation	Jennie Bostock					
Public Health - Annual Report - Public Health Strategy and spending - Joint Strategic Needs Assessment update re H&W	Shahed Ahmad					
Evergreen Walk in Centre						
<b>New Items</b>						
Health & Wellbeing Strategy						
Joint commissioning (LBE/NHS)						
Healthwatch Development						
H&SC Acti 2012 – Health Scrutiny Regulations (awaiting Govt Guidance)						

Work Programme	Lead Officer	Wednesday 10 July 2013 (papers by 1 July)	Thurs 12 Sept 2013 (papers by 2 <sup>nd</sup> Sept)	Thurs 21 Nov 2013 (papers by 11 <sup>th</sup> Nov)	Tues 21 Jan 2014 (papers by 9 <sup>th</sup> Jan)	Tues 11 March 2014 (papers by 27 <sup>th</sup> Feb)
Immunisation			<i>see report to H&amp;WB 20.0613</i>			
<b>Active CCfA's</b>						
Ordnance Road Development						
<b>Scrutiny Review suggestions:</b>						
<i>Possible joint work with OP&amp;VA on Delayed Discharges</i>	Lorraine Davies/Kate Charles/Paul Allen					
Mental Health – inc possible joint work with OP&VA SP	Bindi Nagra/Clare Duignan					
<b>Rolled Forward Scrutiny Reviews:</b>						
n/a						

## Sustainability and the Living Environment Scrutiny Panel Work Programme 2013/2014

	Lead Member, Support Officer & Panel Department Lead	Weds 26 <sup>th</sup> June 13	Tues 3 <sup>rd</sup> Sept 13	Tues 12th Nov 13	Thurs 16th Jan 14	Tues 11 <sup>th</sup> March 14
<b>DEADLINE FOR REPORTS</b>		<b>14<sup>th</sup> June 13</b>	<b>23<sup>rd</sup> Aug 13</b>	<b>1<sup>st</sup> Nov 13</b>	<b>3rd Jan 14</b>	<b>28th Feb 14</b>
<b>Annual Work Programme</b>		<b>Agree work programme</b>				
<b>Budget Consultation</b>	James Rolfe				<b>Report</b>	
<b>Annual Report</b>	Andy Ellis					<b>Draft report</b>
<b>Councillor Call for Action</b>						
<b>Work Stream:-</b>						
<b>Enfield 2020</b>	Jeff Laidler Environment Agency Reps	<b>RE:FIT</b>	<b>Salmon's Brook Flood Alleviation Scheme</b>	<b>Biodiversity, including community planting</b>		
<b>Transport</b>	David B Taylor, Liam Mulrooney	<b>20mph zones</b>		<b>Sustainable transport (smart cities)</b>		
<b>Street Scene</b>	Neil Isaac Stephen Skinner		<b>Street Cleansing</b>	<b>Public Houses</b>	<b>Highway Maintenance</b>	
<b>OTHER</b>						
<b>Planning - New legislation and LBE performance</b>	Bob Griffiths	<b>REPORT</b>				
<b>Olympic Legacy</b>	Simon Gardner	<b>REPORT</b>				
<b>Public Consultation Strategy</b>	Ian Davis				<b>REPORT</b>	

	Lead Member Support Officer & Panel Department Lead	Weds 26 <sup>th</sup> June 13	Tues 3 <sup>rd</sup> Sept 13	Mon 12 <sup>th</sup> Nov 13	Tues 16th Jan 14	Tues 11th March 14
<b>OTHER</b>						
Review of Environment Dept Action Plan	Ian Davis		REPORT			
<b>JOINT PANEL</b>						
Joint meeting with Crime and Safety and Stronger Communities Panel						Allotment security, street light trimming and dimming
<b>OPEN SLOT TBD</b>			X 1	X1	X1	X 2

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**MUNICIPAL YEAR 2013/2014 REPORT NO. 106**

**MEETING TITLE AND DATE:**

Council – 9 October 2013

**REPORT OF:**

Director of Finance  
Resources & Customer  
Services

Contact: John Austin (020 8379 4094)

E mail: [John.Austin@enfield.gov.uk](mailto:John.Austin@enfield.gov.uk)

<b>Agenda – Part: 1</b>	<b>Item: 8</b>
<b>Subject: Constitution Changes: Executive Meeting Regulations &amp; Local Authorities (Functions &amp; Responsibilities) Order 2000</b>	
<b>Cabinet &amp; Other Members consulted: n/a</b>	

**1. EXECUTIVE SUMMARY**

- 1.1 This report is seeking approval to a number of changes to the Constitution resulting from the making of new Regulations relating to:
- (a) Executive meetings; publication of documents and access to them by the public, councillors and scrutiny members; and
  - (b) the recording and filming of Council, Cabinet, Scrutiny, Forum and other Committee meetings;
- 1.2 Approval is also being sought to a change in the way decisions regarding the establishing of companies are agreed, with this matter being removed as one reserved for Council and included within the Terms of Reference for Cabinet.

**2. RECOMMENDATIONS**

Council is asked to approve:

- 2.1 The amended Access to Information Rules (Chapter 4.6 in the Constitution) attached as Appendix 1 and Citizens Rights section (Chapter 2.3 in the Constitution) attached as Appendix 2, as detailed in section 3.1 of the report.
- 2.2 The adoption of the policy relating to the filming of any Council, Cabinet, Scrutiny, Area Forum or other Committee meetings as detailed in section 3.2.4 of the report.
- 2.3 The amendment to the decision making process in relation to the establishment of any companies or trusts in view of recent legal advice received relating to the terms of the Local Authorities (Functions & Responsibilities) Order 2000, as detailed in section 3.3 of the report.

### **3. BACKGROUND**

#### **3.1 Access to Information & Executive Meeting Regulations**

3.1.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 have introduced a number of changes designed to make Executive decisions as open and transparent as possible. These Regulations came into force in September 2012.

3.1.2 The changes introduced have required a number of amendments to be made to the Council's decision making procedures which have been outlined below.

#### **Effects of Regulations**

3.1.3 Whilst the Regulations reproduced many of the existing elements of the decision making regime they did also contain a number of new features designed to make Executive decisions as open and transparent as possible. The main features were as follows:

- Extending public access to meetings and documents where the Executive or an individual Executive member makes a decision. The presumption that Executive meetings must be held in public (except where confidential or exempt information is being considered) has been strengthened.
- No part of a Cabinet or Cabinet Sub Committee meeting can now be held in private unless 28 days public notice has been given. The 28 days notice will allow members of the public to have an opportunity to object to the holding of a private meeting and the Council will have to publish any representations received and its reply to them. These new requirements have been set out in section 4 of the amended Access To Information Procedure Rules attached as Appendix 1 and in section 3.1 (b) (iv) of the updated Chapter 2.3 on Citizens Rights attached as Appendix 2.
- There is no longer a requirement to publish a Forward Plan. This is replaced by a Key Decision list, with the Council required to give 28 clear calendar days notice before the relevant "key decision" is taken. The same procedures apply as before to urgent key decisions, where timescales do not allow such notice to be given. The new requirements in relation to the notice before taking key decisions have been set out in section 13 of the amended Procedure Rules attached as Appendix 1.
- The recording of decisions and the reasons for them, together with details of alternative options considered is extended from Cabinet and Individual Cabinet Member decisions to Executive



decisions also taken by officers. In Enfield the definition of an Executive officer decision has been taken to mean any Operational key decision taken under the Council's scheme of delegation or those matters specifically delegated to officers by either Cabinet or individual Cabinet Members. Details of these decisions will be included on the Publication of Decision List. The new requirements in relation to the recording of decisions taken by individual Cabinet members and Executive Officer decisions have been set out in sections 18 – 20 of the amended Procedure Rules attached as Appendix 1.

- Previously unpublished background papers used to prepare a Cabinet, Portfolio or Operational key decision report or upon which an important part of the report is based must now be made available for public inspection alongside the actual report. This requirement is set out in section 8 of the amended Procedure Rules attached as Appendix 1.
- Scrutiny members also now have additional rights regarding access to documents relating to decisions which Cabinet, Cabinet Members and Officers have taken (as Executive decisions). These are detailed in section 21 of the amended Procedure Rules attached as Appendix 1. The change introduces (subject to certain exemptions) a 10 clear working day deadline for the provision of documents requested from the Executive by scrutiny.

3.1.4 The Regulations apply only to Executive functions and references to reports and documentation specifically exclude draft versions. Existing provisions in respect of non-Executive functions and decisions made by non-Executive bodies such as Scrutiny, Planning & Licensing are unaffected.

3.1.5 The new requirements summarised above have required changes to terminology and procedures throughout the Constitution. In addition the opportunity has been taken to improve the layout and to apply plain English principles (where possible). The changes apply to:

- (a) Part 4: Access to Information Rules Chapter 4.6 - which have required extensive amendment to incorporate the changes summarised above. The proposed new Access to Information Rules are attached for consideration as Appendix 1 to this report.
- (b) Part 2: Chapter 2.3 (Citizens and the Council) to incorporate the increased rights of notice and the making of representations in relation to Executive decisions to be made in private. The proposed change has been incorporated into the amended version of this Chapter attached as Appendix 2 to the report (section 3.1 (b)(iv)).

- 3.1.6 The changes introduced as a result of the Executive Meeting Regulations have also been summarised in a plain English guide for local people produced by the Department for Communities & Local Government (DCLG) “Your Council’s Cabinet – going to its meetings, seeing how it works.” A copy of the guide has previously been circulated to all members, but further copies are available from the Governance Team, if required (020 8379 4041). A copy of the guide has also been placed (for reference purposes) in the Members Lounge and both Group offices.
- 3.1.7 The Members & Democratic Services Group (3 September 13) considered the proposed changes outlined above and agreed to recommend them on to Council for formal approval and adoption within the Constitution.

## **3.2 Policy on filming at meetings of the Council**

- 3.2.1 The Local Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012 also require the provision of reasonable facilities for any member of the public to report on meetings. Further guidance from the DCLG has indicated that this should include the filming of councillors and officers at public meetings.
- 3.2.2 The Council’s Constitution does not currently include any policy in relation to the filming of Council meetings. Council is therefore being asked to consider the adoption of a policy, designed to satisfy the requirements within the Executive Meeting Regulations.
- 3.2.3 Regulation 4 (6) (Part 2) within the Local Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012 includes the provision that “while the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.” Supplemental guidance issued by the DCLG (June 2013) “Your council’s cabinet – going to its meetings, seeing how it works: A guide for local people” specifically addresses the issue of filming at Council meetings. The guidance says:

“Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.

The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken in such a way that is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees

should be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with council staff before the start of the meeting.

The Council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed, without undermining the broader transparency of the meeting.”

- 3.2.3 At the moment the Council deals with requests to film at meetings on an individual case by case basis taking into account the merits of each request. This has mainly involved the filming of meetings for internal relay to overflow facilities arranged to accommodate large public attendance e.g. Planning Committee & full Council. In addition the Council was also involved in a time limited pilot involving the webcasting of Planning and Scrutiny meetings, which was not progressed at the time, given the limited use of the facility and ongoing costs involved. Given the new Regulations and recently issued guidance it is recommended that the Council adopt a more formal policy in relation to how any requests to film Council meetings are dealt with.
- 3.2.4 A draft policy was presented to the Members & Democratic Services Group (3 September 2013) for consideration, based on research undertaken around how other local authorities deal with the issue. As a result of comments made at that meeting the following has been recommended to Council as the policy for adoption within Enfield:
- (a) The filming and recording of the public sessions of any Council, Cabinet, Committee, Panel or Area Forum meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.
  - (b) The Chair of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography, intrusive camera or lighting equipment or the behaviour of the person filming the meeting
  - (c) Anyone wishing to record or film at a meeting must contact the relevant meeting administrator normally no less than 3 working days before the meeting in question so that the Chair, other councillors and any members of the public present can be informed and the necessary arrangements made.

- (d) All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording councillors, officers and the public directly involved in the conduct of the meeting. Should any member of the public participating in the meeting object to being filmed then the chair will make arrangements for that individual to be excluded from the recording.
- (e) Covert recording/filming at meetings will not be permitted and the person filming will be asked to provide an assurance that (a) recordings will include sound and vision; (b) the original version will be available to the Council on request and (c) that recordings will not be edited in a misleading way.
- (f) If a meeting passes a motion to exclude the press and public then all rights to record the part of the meeting to which the exemption applies will be removed.

3.2.5 The Policy, whilst complying with the Executive Meeting Regulations and taking account of the recent guidance issued by the DCLG, will allow the filming of council meetings but only provided it is done in a way that is not likely to be disruptive or distracting to the good order and conduct of the meeting. Advance notice will also need to be provided so attendees can be informed at the start of the meeting that it is being filmed.

3.2.6 Subject to the approval of Council, the policy will be incorporated as an additional section within Chapter 4.3 (Cabinet Rules of Procedure) and Chapter 4.5 (operating rules for Committees) under Part 4 of the Constitution and will apply to all public meetings of Council, Cabinet, Scrutiny, Area Forums and other Committees/Panels.

### **3.3 Local Authorities (Functions & Responsibilities) Order 2000: Establishment of Companies**

3.3.1 Recent external legal advice has confirmed that the current requirement we have listed under the functions of Council (Chapter 2.3 – para 4.3 (20) of the Constitution) for Council to “establish any companies or trusts or acquire share capital in companies other than on behalf of the Pension Fund Investment Panel” should be treated as an Executive rather than Council function, under the terms of the Local Authorities (Functions & Responsibilities) Order 2000. This would mean the power resting with Cabinet rather than full Council.

3.3.2 The Local Government Act 2000 provided for three categories of council decision. Most decisions are with the Executive; exercised by the Leader and Cabinet, and often delegated to officers. There are some decisions which are specifically reserved to Council e.g. setting the Council tax and Council also has responsibility for the sort of regulatory decisions dealing for example with licensing and development control- usually delegated by Council to Committees; and there is also a relatively small category of "Local Choice" decisions; these are the only ones where the Council has discretion over whether a decision is one for the Executive or the Council. The fall-back position is always that unless a matter is specifically reserved to the Council, it is a matter for Executive decision.

3.3.3 In order to reflect the advice received, it is recommended that section (20) be removed from Chapter 2.3 (para 4.3) as a matter reserved to Council and added to the remit for Cabinet. The Members & Democratic Services Group have been consulted on this recommended change via email.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 The recommended changes to the Constitution reflect the requirements within the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that came into force in September 2012, as well as external legal advice.

4.2 The policy relating to filming at meetings has been designed to comply with the Executive Meeting Regulations and Guidance issued by the DCLG. The policy requires that advance notice is provided and also allows the chair to withdraw the right to film, if necessary, in order to prevent disruption or maintain order at a meeting.

4.3 The changes being sought in relation to decisions regarding the establishment of companies have been recommended following recent external legal advice regarding application of the Local Authorities (Functions & Responsibilities) Order 2000.

#### **5. REASONS FOR RECOMMENDATIONS**

5.1 To ensure the Council's Constitution and decision making procedures formally reflect the changes already introduced in order to comply with the requirements in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5.2 The changes in procedure have sought to:

- reflect good practice and the previous experience in operating relevant practices and procedures; and

- ensure the Council has an established policy in respect of filming at council meetings;
- reflect the provisions within the Local Authorities (Functions & Responsibilities) Order 2000.

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

### **6.1 Financial Implications**

None – the changes required to the Constitution will be met from within existing resources.

### **6.2 Legal Implications**

The recommendations within the report have been designed to reflect, within the Council's Constitution, the requirements within the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and also external legal advice relating to application of the Local Authorities (Functions & Responsibilities) Order 2000.

## **7. KEY RISKS**

- 7.1 The changes to the Council's decision making procedures introduced under Executive meeting Regulations have already been implemented, with staff being provided with ongoing advice & guidance on the new arrangements. Not complying with these Regulations could open the decision making process up to potential challenge. The changes introduced and reflected within the amended Access to Information rules have been designed to ensure this risk is minimised.
- 7.2 Without an agreed policy on filming at its meetings, the Council will need to continue dealing with requests to film or record meetings on an individual basis. Increase use of social media and mobile technology has also made it easier for individuals to undertake this activity. The adoption of a formal policy will ensure a clear and consistent approach in the way the Council handles these request as well as complying with the recently issued guidance by DCLG, following introduction of the Executive Meeting Regulations in 2012.
- 7.3 The changes recommended to the way in decisions are taken within the Constitution relating to the establishment of companies has been designed to reflect external legal advice. This will ensure that the Council continues to act within the requirements of the Local Authorities (Functions & Responsibilities) Order 2000.

## **8. IMPACT ON COUNCIL PRIORITIES**

## **8.1 Fairness for All & Strong Communities**

The Executive Meeting Regulations have been designed to increase transparency and openness in relation to the Council's Executive arrangements and have strengthened the rights of councillors (as local representatives) with regard to access to information. Adopting a policy which allows filming at Council meetings will also enhance this process

## **9. EQUALITIES IMPACT IMPLICATIONS**

It has not been necessary to carry out an Equalities Impact Assessment in relation to this proposal.

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

The changes introduced to the Council's governance and decision making procedures as a result of the Executive Meeting Regulations have been designed to assist the Council in managing its business in as efficient and effective a way as possible.

## **11. PUBLIC HEALTH IMPLICATIONS**

There are no specific public health implications arising from the proposals within this report.

## **Background Papers**

None

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## Chapter 4.6 – Updated Access to Information Rules of Procedure

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## 4.6 ACCESS TO INFORMATION PROCEDURE RULES

### 1. Introduction and Scope

These rules apply to all meetings of the Council, Overview and Scrutiny Committee, Scrutiny Panels, other committees, sub committees and Forums along with public meetings of the Cabinet (together called meetings).

Certain rules will also apply to Executive decisions taken by individual Cabinet members and officers.

NOTE: The rules set out below are in addition to any rights which members of the public may enjoy under the Freedom of Information legislation.

### 2. Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### 3. Right to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules or specified elsewhere in this Constitution.

### 4. Notices of Meeting

- (a) The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Civic Centre, Silver Street, Enfield and on the Council's website. This will exclude the day of publication of the agenda and day of the meeting, along with weekends and bank holidays.

A link to the Council's website is attached:

[http://www.enfield.gov.uk/info/200068/councillors\\_elections\\_and\\_decisions](http://www.enfield.gov.uk/info/200068/councillors_elections_and_decisions)

- (b) Where, it is likely that the Cabinet or one of its Committees will need to meet in private to take a decision which involves exempt or confidential information, the meeting may only take place if:
  - (i) a notice has been published at the Civic Centre, Silver Street, Enfield and on the Council's website setting out the reasons why the meeting is to be held in private, and at least 28 calendar days have elapsed since the publication of the notice (not including the day of publication of the day

## Appendix 1

the decision is due to be taken). This notice will be included as part of the Key Decision List.

- (ii) A further notice is issued at the Civic Centre, Silver Street, Enfield and on the Council's website at least 5 clear days before the meeting setting out the reasons why the meeting is to be held in private, details of any representations received by the Council about why the meeting should be open to the public and the Council's response to any such representations.
- (c) If the date by which a private meeting of the Cabinet or its Committees must be held makes compliance with (b) above impracticable, the meeting may only be held and any decision taken if:
- (i) agreement is obtained from the Chair of the Overview & Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred. If there is no Chair, or if the Chair of the Overview & Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence, the Deputy Mayor will suffice; and
  - (ii) a notice setting out the reasons why the private meeting is urgent and cannot reasonably be deferred is published at the Civic Centre, Silver Street and on the Council's website as soon as reasonably practicable after such an agreement has been obtained.

### **5. Access to Agenda and Reports before the Meeting**

- (a) subject to (d) below no decision shall be taken at a meeting unless it is included on the agenda for that meeting and is accompanied by a report from the appropriate officer or, in the case of meetings of the Cabinet, from either the appropriate officer or Cabinet member. Where the report is from a Cabinet member, it must state any advice received from officers.
- (b) All agendas and reports will be published at least five clear working days before the meeting at the Civic Centre, Enfield and on the Council website unless the report relates to a confidential matter or is exempt under these Access to Information Rules.
- (c) If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports listed on an agenda are prepared after the summons has been sent out, the Proper officer will make each report available to the public as soon as the report is completed and sent to Councillors.

## Appendix 1

- (d) If notice of a report is not published with the agenda five clear days before a meeting, the item to which it relates may not be considered at that meeting unless the Chair of the meeting agreed that, by reason of special circumstances, the item should be considered as a matter of urgency. Where this is the case, the special circumstances requiring the item to be considered urgently shall be specified in the minutes of that meeting.

### **6. Supply of Copies**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars, which are not exempt or confidential and which are necessary to indicate the nature of the items in the agenda; and
- (c) any minutes and records of decisions
- (d) if the Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item for which the right will be reserved to charge for postage and any other reasonable costs (if appropriate).

### **7. Access to Documents after the Meeting**

The Council will make available for public inspection copies of the following for six years after a meeting or decision has been taken:

- (a) the minutes of the meeting and records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

These documents will be available via the Council's website or during normal business hours for inspection at the Civic Centre, Silver Street, Enfield

### **8. Background Papers**

**8.1 List of background papers**

The Council will set out in every report provided for a meeting or Executive decision a list of those documents (called background papers) and, where possible their location, relating to the subject matter of the report which in the author's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of a political advisor.

**8.2 Public inspection of background papers**

- (a) Background papers referred to on the list in a report for a meeting of the Cabinet or its Committees or an Executive decision made by an individual Cabinet member or officer, will be made available on the Council's website at the same time as the report to which they relate is published under Rule 5 above (apart from those which disclose exempt or confidential information as defined in Rule 10).
- (b) The Council will make available for public inspection for four years after the date of the meeting or decision one copy of each of the documents on the list of background papers.

**9. Summary of Public's Rights**

These rules are the written summary of the public's right to attend meetings and to inspect and copy documents. They are kept at and are available to the public at the Civic Centre, Silver Street, Enfield and on its website.

**10. Exclusion of Access by the Public to Meetings****10.1 Confidential information - requirement to exclude public**

- (a) The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed in breach of the obligation of confidence. Non Executive members of the Council shall be entitled to remain at

## Appendix 1

Executive meetings where decisions are being taken, unless the Proper Officer advises that this would be inappropriate.

- (b) Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
- (c) The meeting will pass a resolution to exclude the press and public during discussion of items which are confidential. The resolution will identify why such items are to be treated as confidential.

### **10.2 Exempt information - discretion to exclude public**

- (a) The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. The public may also be excluded from meetings, where as a result of disruption caused the meeting is unable to properly discharge its functions. Non Executive members of the Council shall be entitled to remain at Executive meetings where decisions are being taken, unless the Proper Officer advises that this would be inappropriate.
- (b) From 1<sup>st</sup> March 2006, new statutory instruments effectively replaced the pre-existing disclosure exemptions contained in Schedule 12A of the Local Government Act 1972, and also added a 'public interest' test in relation to some of its qualifications.

As a result of the substitution of Schedule 12A of the Local Government (Access to Information) (Variation) Order 2006, exempt information means information falling within one or more the following 7 categories:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). However information falling within this paragraph is not exempt if it is required to be registered under:
  - (a) the Companies Act as defined in section 2 of the Companies Act 2006
  - (b) the Friendly Societies Act 1974

## Appendix 1

- (c) the Friendly Societies Act 1992
  - (d) the Co-operative and Community Benefit Societies and Credit Unions Acts 1965 to 1978
  - (e) the Building Societies Act 1986 or
  - (f) the Charities Act 1993.
- 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
  - 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
  - 6. Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
  - 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- (c) The meeting will pass a resolution to exclude the press and public during discussion of items which are exempt. The resolution will identify why such items are to be treated as exempt.
  - (d) Information is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

### **11. Exclusion of Access by the Public to Reports**

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports (or parts of reports) which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely to be held in private.. Such reports (or parts of reports) will be marked "Not for publication" together with the category of information likely to be disclosed.

### **12 Application of Rules to the Executive**

If the Cabinet or its Committees meet with an officer present (other than a political assistant) to discuss a matter relating to a key decision then it must comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This

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requirement does not include meetings whose sole purpose is for officers to brief members.

### 13. Procedure before taking Key Decisions

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here the Key Decision List) has been published at the Civic Centre, Silver Street, Enfield and on the Council's website as set out in Rule 14.1
- (b) at least 28 calendar days have elapsed since the publication of the Key Decision List (not including the day of publication or the day the decision is to be taken); and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings); or, if the meeting is convened at shorter notice, at the time the meeting is convened.

### 14. The Key Decision List

#### Contents of Key Decision List

- (a) The Key Decision List will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan.
  - (b) Key decisions are defined as 'a proposal':
    - (i) which involves expenditure/savings of £250,000 or above – this includes proposals phased over more than one year and match/grant aided funding, with a total of £250,000 or above; or
    - (ii) which has significant impact on the local community in one or more wards.
- N.B. A quasi-judicial decision taken by the Planning Committee/Panel or Licensing Committee is not a key decision.
- (c) The Key Decision List will include the following in so far as the information is available or might reasonably be obtained:
    - (i) that a key decision is to be made on behalf of the relevant local authority;
    - (ii) the matter in respect of which the decision is to be made;



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- (iii) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision making body, its name and list of its members;
  - (iv) the date on which, or the period within which, the decision is to be made;
  - (v) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
  - (vi) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
  - (vii) that other documents relevant to those matters may be submitted to the decision maker; and
  - (viii) the procedure for requesting details of those documents (if any) as they become available
- (d) Notice of a key decision must be included on the Key Decision List not less than 28 clear days before the decision is to be made.
- (e) Where any matter involves the consideration of exempt or confidential information a summary of the matter shall be included in the notice but the exempt or confidential information or the advice, as the case may be, need not be included.

### **15. General Exception – Rule 15**

- (a) If a matter which is likely to be a key decision has not been included in the Key Decision List, then subject to Rule 16 (special urgency), the decision may still be taken if:
- (i) it is impracticable to defer the decision until it has been included in a notice under Rule 14.
  - (ii) the chair of the Overview and Scrutiny Committee has been provided with written notice, or if there is no such person, each member of that Committee, of the matter to which the decision is to be made;
  - (iii) a copy of that notice has been made available to the public at the offices of the Council and on the Council's website; and

## Appendix 1

- (iv) at least 5 clear days have elapsed since (ii) and (iii) have been complied with.
- (b) All Departments will be required to process requests for these exceptions through the Governance Team who will then be responsible for supporting the Chair of the Overview and Scrutiny Committee throughout the process.
- (c) As soon as reasonably practicable after (a) above has been complied with a notice must be published at the Civic Centre, Silver Street, Enfield and on the Council's website of the reasons why compliance with Rule 14 is impracticable.

### **16. Special Urgency – Rule 16**

- (a) If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision:
  - (i) obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee, or the Chair is unable to act then the agreement of the Mayor (or in his/her absence the Deputy Mayor) will suffice; and
  - (ii) Provides notice at the Civic Centre, Silver Street, Enfield and on the Council's website, as soon as reasonably practicable, after agreement has been obtained under (i) above of the reasons why the decision is urgent and cannot reasonably be deferred.
- (b) All service Groups will be required to process requests for these exceptions through the Governance Team who will then be responsible for supporting the Chair of the Overview and Scrutiny Committee throughout the process.

### **17. Reports to Council**

#### **17.1 When an Overview and Scrutiny Committee can require a report**

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (i) included in the Key Decision List; or
- (ii) the subject of the Rule 15 general exception procedure; or

## Appendix 1

- (iii) the subject of an agreement with the Overview and Scrutiny Committee Chair, or Mayor/Deputy Mayor of the Council under Rule 16;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies.

### **17.2 Executive's report to Council**

In response to a request made under 17.1 above, the Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader of the Council is of the opinion that it was not a key decision the reasons for that opinion.

### **17.3 Quarterly reports on special urgency decisions**

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken under urgency including the waiver of call in in the preceding three months. The report will include the subject and number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **18. Record of Decisions**

After any meeting of the Cabinet or any of its committees, a record of every decision taken at that meeting will be produced within 2 working days of the meeting. The record will include:

- (i) the date on which the decision was made;
- (ii) a statement of the reasons for each decision and any alternative options considered and rejected at that meeting;
- (iii) a record of any conflict of interest in relation to the decisions and a note of any dispensation granted by the Councillor Conduct Committee or Monitoring Officer (including its duration and the reasons for it having been granted).

## **19. Executive decisions to be taken in public**

- (a) Members of the Cabinet or its committees will be entitled to receive five clear working days notice of a meeting to which they

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are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

- (b) All meetings of the Cabinet and its Committees will be held in public, unless the matter relates to exempt and confidential information and notice has been provided in accordance with Rule 5 above.

### **20. Decisions by Individual Members of the Executive**

#### **20.1 Reports intended to be taken into account**

Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

Upon receipt of such a report the report will be made publicly available along with the list of any background papers.

#### **20.2 Provision of copies of reports to the Overview and Scrutiny Committee and Panels**

On giving of such a report to an individual decision maker, the person who prepared the report will make a copy available to the Chair of the relevant Scrutiny Panel as soon as reasonably practicable,.

#### **20.3 Record of individual decisions**

- (a) As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Cabinet or an Executive decision has been taken by an officer, , a record of the decision taken must be prepared which will include:
  - (i) details of the decision and the date it was made;
  - (ii) a statement of the reasons for it and any alternative options considered and rejected,
  - (iii) a record of any conflict of interest declared by any other member of the Executive who is consulted by the Executive member in relation to the decision and any note of dispensation granted by the Monitoring Officer or Councillor Conduct Committee (including its duration and the reason for it). The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of

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exempt or confidential information or advice from a political or mayor's assistant.

- (b) This record will be available at the Civic Centre, Silver Street, Enfield and on the Council's website.
- (c) This does not require the disclosure of exempt or confidential information or advice from a political assistant (if any)
- (d) The provisions of Rules 7 & 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet and Executive decisions by officers. This does not require the disclosure of exempt or confidential information or advice from a political assistant (if any).
- (e) An Executive Decision by an officer is a decision which is a key decision, or a decision which is delegated to an officer by the Executive.

### **21. Overview and Scrutiny Committees/Scrutiny Panels Access to Documents**

#### **21.1 Rights to copies**

Subject to Rule 22.2 below, the Overview and Scrutiny Committee (including its Sub-Committees) and Scrutiny Panels will be entitled within 10 clear working days of making the request to copies of any document which is in the possession or control of the Executive [or its committees] and which contains material relating to

- (a) any business transacted at a public or private meeting of the Cabinet or its committees; or
- (b) any decision taken by an individual member of the Cabinet or Executive Officer decision

#### **21.2 Limit on rights**

The Overview and Scrutiny Committee or Scrutiny Panels will not be entitled to:

- (a) any document that is in draft form;
- (b) any document or part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise as part of their work programme; or

## Appendix 1

- (c) any document containing the advice of a political adviser

With regard to (b) above, the member will need to demonstrate to the Proper Officer that the information requested is relevant and the Proper Officer shall take a decision as to whether the information should be made available, supplying reasons as appropriate.

### **22. Additional Rights of Access for Members**

#### **22.1 Material relating to business at public meetings**

All members will be entitled to inspect, at least 5 clear working days before the meeting, any document which is in the possession or under the control of the Executive or its Committees and contains material relating to any business to be transacted at a public meeting of the Executive, unless:

- (i) It contains exempt information falling within paragraphs 1,2,3 (only to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), 4 and 7 the categories of exempt information; or
- (ii) It contains the advice of a political adviser (if any)
- (iii) The document is in draft form

Where the meeting is convened at shorter notice, such documents will be available for inspection when the meeting is convened. Where reports already included on the agenda are prepared after the summons has been sent out, the proper officer shall make each such report available to members as soon as the report is completed.

#### **22.2 Material relating to Executive decisions taken in private**

- (a) Subject to (c) below all members of the Council will be entitled to inspect any document in the possession or under the control of the Executive or its committees which contains material relating to:
  - (i) Any business which has been transacted in a meeting or part of a meeting of the Cabinet;
  - (ii) Any decision which has been made by an individual Cabinet member or by an officer as an Executive decision.

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- (b) The right contained in (a) above arises when the meeting concludes or, in the case of an individual Executive member or officer decision, immediately after the decision has been made and the document shall be made available within 24 hours
- (c) Members of the Council will not be entitled under this paragraph to:
  - (i) Any document that is in draft form
  - (ii) Any part of a document that contains exempt information falling within paragraphs 1,2,3 (only to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), 4 and 7 the categories of exempt information; or
  - (iii) The advice of a political advisor or any person acting in that capacity (if any)

### 22.3 Nature of rights

These rights of a member are additional to any other right he/she may have.

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## Chapter 2.3 - Citizens and the Council

### 3.1 CITIZENS' RIGHTS

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution (Chapter 6).

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
  - (i) attend meetings of the Council and its committees (including Cabinet) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) attend meetings of the Cabinet when key decisions are being considered;
  - (iii) find out from the ~~Forward Plan~~ **Key Decision List** what key decisions will be taken by who and when;
  - (iv) ***make representations to the Executive that decisions which it intends to take in private should instead be taken in public, and to receive a response.***
  - (v) see reports and background papers, and any records of decisions made by the Council and the executive, ***subject to certain exemptions and restrictions;***
  - (vi) inspect the Council's accounts and make their views known to the Council's external auditor;
  - (vii) inspect the register of members' interests; and
  - (viii) Obtain a copy of this Constitution (contact Democratic Services Team on 020 8379 4041).
- (c) **Participation.** Citizens have the right to contribute to the work of the Scrutiny Panels.
- (d) **Complaints.** Citizens have the right to complain to:
  - (i) their local Councillor;
  - (ii) the Council itself under its complaints scheme;
  - (iii) the Ombudsman after using the Council's own complaints scheme;

- (iv) the Councillor Conduct Committee about a breach of the Councillor's Code of Conduct.
- (v) the Audit Committee about a breach of the officer Code of Conduct.

### **3.2 CITIZENS' RESPONSIBILITIES**

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm property owned by the Council, councillors or officers ***or be disruptive at meetings.***

**MUNICIPAL YEAR 2013/2014 REPORT NO. 69A**

**MEETING TITLE AND DATE:**

**Members and  
Democratic Services 3<sup>rd</sup>  
September 2013  
Council 9<sup>th</sup> October 2013**

<b>Agenda – Part: 1</b>	<b>Item: 9</b>
<b>Subject: Council constitution and Scrutiny (Role and Function Health Scrutiny) Wards: all</b>	
<b>Cabinet Member consulted:n/a</b>	

**REPORT OF:**

Director of Finance  
Resources and Customer  
Services

Contact officer and telephone number:

Mike Ahuja Head of Corporate Scrutiny and Community Outreach

Tel: 020 8 379 5044

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**1. EXECUTIVE SUMMARY**

- 1.1 Since 2003 all councils with social services departments have had the power to review and scrutinise any matter relating to the planning, provision and operation of health services under the Health and Social Care Act 2001 and Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002.
- 1.2 Changes introduced by the Health and Social Care Act 2012 and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ('the 2013 Regulations') came into force on 1 April 2013 (See Appendix A).
- 1.3 This report details the implications for the Council's health scrutiny and proposed changes to the Councils constitution to reflect the Overview and Scrutiny procedure rules and terms of reference in respect of the Health & Wellbeing Scrutiny panel. (See Appendix B)
- 1.4 The report additionally contains the views of the Council's Overview and Scrutiny Committee (OSC) and the Members and Democratic Services Group (MDSG).
- 1.5 In considering these issues, members are advised that further guidance is expected regarding the role and function of Health Overview and Scrutiny Committees in discharging the requirements of the Health and Social Care Act (HSCA) 2012. The proposals within this report will be examined when such guidance is published

## **2. RECOMMENDATIONS**

- 2.1 It is recommended that the Council continue to discharge its powers of scrutiny on such matters designated within the Health and Social Care Act 2012 through the Health and Wellbeing Scrutiny Panel (shown in section 4).
- 2.2 That Council agrees the constitutional changes and the revised Terms of Reference for Health & Wellbeing Scrutiny Panel.

## **3. BACKGROUND**

- 3.1 Since 2003 all councils with social services departments have had the power to review and scrutinise any matter relating to the planning, provision and operation of health services under the Health and Social Care Act 2001 and Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002.

Changes introduced by the Health and Social Care Act 2012 and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ('the 2013 Regulations') came into force on 1 April 2013.

## **4. HEALTH AND SOCIAL CARE ACT 2012**

- 4.1.1 The Act contains a number of provisions which impact upon the Health Scrutiny (see appendix A) :

The major changes are as follows:

- a. The Health and Social Care Act 2012 confers the power to determine how Local Authorities discharge their health service review and scrutiny powers upon the Council. The Council may agree to the retention of the Health and Wellbeing Scrutiny panel as the "method of choice" through which it will discharge its duty to review and scrutinise health service issues within the area, or make alternative arrangements such as setting up new committees.
- b. The regulations extend the councils formal powers to review & scrutinise all relevant nhs bodies and relevant health service providers, this means the council will have the powers to scrutinise a wider range of healthcare providers e.g. charities, and independent providers.
- c. There is a requirement for the health service to consult the Council and provide dates and publish timeframes for its decision making process on proposals for substantial developments

- d. The regulations formalise arrangements for scrutinising matters including inviting interested parties to comment on a matter, and the requirement to respond to the Council in 28 days of a request for information
- e. The Council must respond to a matter referred to it by the local healthwatch within 20 days.
- f. Public Health services commissioned by the Council/Health and Wellbeing Boards will also be subject to scrutiny.

4.1.2. The following provisions are preserved:

- (i) Enable health scrutiny to review and scrutinise any matter relating to health services in its area
- (ii) Require NHS bodies to provide information to and attend before meetings of the committee
- (iii) Make reports and recommendations to relevant nhs bodies and to the local authority
- (iv) Require health providers to respond within a fixed timescale
- (v) Require health providers to consult local authorities on proposals for substantial variations to the local health service.
- (vi) The statutory guidance underpinning the regulations is expected to be published later.

## **5. RECOMMENDED APPROACH**

- 5.1 In exercising and developing its enhanced powers of review & scrutiny, the local authority needs to confer its powers of review and scrutiny to the existing Health and Well Being Scrutiny Panel , through which it will discharge its duty to review and scrutinise health service issues within the area
- 5.2 It is considered that the Council's existing Health Scrutiny through the Health and Wellbeing Scrutiny Panel is fit for purpose and effective, and will maintain the independent expertise that has been developed, the good cross party working, and the networks and understanding of the complex nature of the services that the health service delivers.
- 5.3 The Health and Wellbeing Scrutiny Panel would also continue to undertake the requirement for a strong process of review /evidence gathering which would inform any decision regarding referral to the Secretary of State, and as part of this referral process to incorporate consultation with the Overview and Scrutiny Committee prior to referral to full Council.
- 5.4 The Health & Wellbeing Scrutiny Panel needs to develop a relationship with the Health & Wellbeing Board and the Clinical Commissioning Group in respect of the provision of public health services and the commissioning priorities.

- 5.5 The Centre for Public Scrutiny highlights that:
- (a) Health OSCs have already developed roles and relationships with NHS Partners to ensure that commissioning plans and service delivery reflect patient and community needs/ aspirations, and;
  - (b) Health OSCs should ensure that health and social care services are subject to robust public accountability.

## **6. VIEWS OF OVERVIEW AND SCRUTINY COMMITTEE and MEMBERS AND DEMOCRATIC SERVICES**

### **Overview and Scrutiny 24<sup>th</sup> June 2013**

- 6.1 OSC noted that regulation 29 prevents Councils from making arrangements to delegate referral of a substantial service change proposal to the Secretary of State to any body other than the Council or a Health Scrutiny Committee.
- 6.2 OSC agree that the Health & Wellbeing Scrutiny Panel should continue with a strong process of review and evidence gathering which would inform any decision regarding referral to the secretary of State and as part of this referral process to incorporate consultation with the Councils' OSC.
- 6.3 The Council should be invited to agree to the retention of the Health & Wellbeing Scrutiny Panel as the "method of choice" rather than make alternative arrangements such as setting up new Committees.
- 6.4 OSC further agreed that this item be taken to the Member & Democratic Services Group for discussion, on 8<sup>th</sup> July, prior to being received at full Council

### **Member and Democratic Group 8th July 2013**

- 6.5 Members highlighted the power the Council would have to scrutinise a wider range of healthcare providers. It was advised that further information regarding Councils' powers to enforce this were awaited in the DoH guidance.
- 6.6 In respect of the report to be presented to full Council regarding proposed constitutional changes and the new Terms of Reference for Health Scrutiny and for scrutiny in general, the Chairman requested that a draft paper be provided to Member and Democratic Services Group's on 3rd September. The proposals should then be included in a report to be presented to Council on 9 October.

Members & Democratic Services Group (3 September 13) considered and approved the proposed changes set out in this report, for recommendation on to Council.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 None Council is required to consider the proposed changes to comply with Health and Social Care Act 2012 and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ('the 2013 Regulations') came into force on 1 April 2013.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 Section 190 HSCA 2012 amends existing legislation so that regulation-making powers apply to the Council rather than to its health overview and scrutiny committee. The Council will have flexibility to determine how to discharge its health scrutiny functions and its functions can be discharged through a health scrutiny committee or other arrangement. The Council may therefore choose to continue to operate its existing overview and scrutiny committee, or put in place other arrangements such as appointing committees involving members of the public.

## **9. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

### **9.1 Financial Implications**

Any costs arising from the implementation of the recommendations of this report, will be met within existing resources.

### **9.2 Legal Implications**

The recommendation in this report will secure compliance with legislative changes introduced by the Health and Social Care Act 2012 and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ('the Regulations'), which came into force on 1 April 2013.

Section 190 Health and Social Care Act 2012 allows the Council flexibility in determining how to discharge its health scrutiny functions. The Council may choose to continue to operate its existing health scrutiny committee, or put in place other arrangements which are not prescribed.

The Regulations provide that a decision to refer a substantial health service change to the Secretary of State can only be taken by the Council or a health scrutiny committee. The recommendation in this report to continue the Council's existing arrangements for health scrutiny will help ensure lawful decision-making.

The constitutional changes and the revised Terms of Reference for Health & Wellbeing Scrutiny Panel appended to this report are in accordance with the legislation.

The statutory guidance underpinning the Regulations has not been published yet and it should be noted that further changes to the health scrutiny terms of reference and the Council's constitution may be recommended upon consideration of this guidance.

### **9.3 Property Implications**

None

## **10. KEY RISKS**

Any risks will be identified and assessed through the scrutiny review process.

## **11. IMPACT ON COUNCIL PRIORITIES**

### **11.1 Fairness for All**

By closely scrutinising and challenging Health services, Scrutiny can ensure that inequalities across the borough are reduced and service standards are raised in order to provide fairness for all.

### **11.2 Growth and Sustainability**

The Health and Well Being Scrutiny panel ensures the Council addresses the key priorities by offering challenge to services. This ensures that Enfield reaches its full economic potential and supports the vision of a strong and sustainable future for our residents, environment and economy

### **11.3 Strong Communities**

The Health and Well Being panel provide the opportunity for residents to engage and scrutinise Local Health Services and be involved in local decision making. This process helps support the council's commitment to ensuring our communities are strong, cohesive and well informed

## **12. EQUALITIES IMPACT IMPLICATIONS**

An equality impact assessment is not required at this time

## **13. PERFORMANCE MANAGEMENT IMPLICATIONS**

13.1 A strong members led process of review/evidence gathering which would inform any decision regarding health services will contribute to the role of a co-ordinating Council in allowing members to engage with and empathise with residents views to challenge and shape services.



**14. HEALTH AND SAFETY IMPLICATIONS**

None

**15. HR IMPLICATIONS**

None

**16. PUBLIC HEALTH IMPLICATIONS**

16.1 Public Health services commissioned by the Council/Health and Wellbeing Boards will also be subject to scrutiny.

**Background Papers**

None

## **Appendix A.**

### **Overview of Regulations**

The relevant provisions are set out in Part 4 of the Regulations.

Regulation 21 sets out duties that the Council is obliged to carry out in reviewing and scrutinising matters including inviting interested parties to comment on a matter and take account of relevant information. There is a specific requirement for local authorities to acknowledge matters referred by the local healthwatch within 20 days and the organisation must be kept informed of any action taken.

Regulation 22 stipulates that the Council may make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised. Reports must include an explanation of the matter reviewed or scrutinised; a summary of the evidence considered; a list of the participants involved in the review or scrutiny, and an explanation of any recommendations on the matter reviewed or scrutinised. A responsible person must respond within 28 days of a request for information from the Council.

Regulation 23 sets out requirements around substantial variations. Where a responsible person has under consideration any proposal for a substantial development of the health service, it must now consult the Council and provide dates and publish the timeframe for its decision-making process. Where there is disagreement between the parties about recommendations, the parties must take reasonably practicable steps to reach agreement. Regulation 23 also stipulates the requirements of the contents of a report to the Secretary of State. The duty does not apply where a responsible person is of the view that there is insufficient time for consultation because of a risk to the safety or welfare of patients or staff. The regulations do not define 'substantial'.

Regulation 24 provides that the duty to consult does not apply to the establishment or dissolution of an NHS trust or clinical commissioning group.

Regulation 25 sets out possible steps the SoS may take in relation to a referral under regulation 23(9).

Regulation 26 provides that a responsible person must provide the Council with such information about the planning, provision and operation of health services as reasonably required. Further, the duty will be satisfied if it provides information to the joint overview and scrutiny committee of those authorities. Regulation 26 also sets out provisions around data protection.

Regulation 27 requires members or employees of responsible persons to attend before the Council to answer questions on reasonable notice.

Regulation 28 provides that the Council may arrange for its relevant functions to be discharged by an overview and scrutiny committee of the Council or an osc of another authority.

Regulation 29 prevents the Council from making arrangements to delegate referral of a substantial service change proposal to the SoS to anybody other than the Council or a health scrutiny committee.

Regulation 30 enables local authorities to appoint a joint committee for the discharge of health scrutiny functions and requires local authorities to do so in certain circumstances.

**Appendix B** Constitution (amendments are shown in Bold):

## **Chapter 2.5 - Scrutiny**

### **5.1 PURPOSE**

The Council will appoint an Overview and Scrutiny Committee plus 6 Scrutiny Panels to discharge the functions conferred by Section 21 of the Local Government Act 2000.

Both the Overview and Scrutiny Committee and the 6 Scrutiny Panels are required to take an independent leadership role in the Council's aim of continuous improvement in the performance of its functions and to hold decision-makers to account.

### **5.2 THE OVERVIEW AND SCRUTINY COMMITTEE**

The leadership and co-ordination of the Council's scrutiny function will be the responsibility of the Overview and Scrutiny Committee. The Committee's terms of reference will be:

- (1) To approve an annual overview and scrutiny work programme, so as to ensure that each Panel's time is effectively and efficiently utilised.
- (2) Where matters fall within the remit of more than one Panel, to determine which of those Panels will assume responsibility for any particular issue.
- (3) To put in place and maintain a system to ensure that referrals from scrutiny to the Cabinet, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in the Constitution.
- (4) In the event of reports to the Cabinet exceeding limits in the Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of council business, at the request of the Cabinet, to make decisions about the priorities of referrals made.
- (5) To deal with consideration of called-in decisions.

### **5.3 SCRUTINY PANELS**

The Scrutiny Panels will

- (1) Monitor and evaluate the performance of relevant services and functions.

- (2) Review relevant services and functions.
- (3) Arrange and undertake relevant scrutiny reviews that cut across service groups and deal with issues thematically.
- (4) Review the effectiveness and appropriateness of relevant Council policies, including assessment of the effectiveness of policy implementation.
- (5) Propose and recommend improvements to the Council's services, functions and policies.
- (6) Review the Council's performance in achieving community consultation, improvement and participation and make recommendations for improvement.
- (7) Comment and advise on service, policy and other proposals made by the Cabinet or the Council's Management Board, including comment to the Council on the Executive's recommendations.
- (8) Consider, comment on and propose amendments to the budget proposed by the Executive.
- (9) Review decisions made under delegated authority and make comments and recommendations to the Cabinet and the Council's Management Board.
- (10) Consider and comment on reports from internal and district audit including any comments made on these by the Council's Best Value Sub-Committee.
- (11) Consider and comment on the Annual Report of the Council's Monitoring Officers' Meeting.
- (12) Review action taken in response to petitions and deputations and make comments and recommendations to the Cabinet and the Council's Management Board.
- (13) Review and/or scrutinise decisions made or actions taken in connection with any Council function.
- (14) Make reports and/or recommendations to the full Council and/or the Executive.
- (15) Receive the Council's corporate priorities from the Leader at its first meeting after each annual council meeting on the Executive's priorities for the coming year and its performance in the previous year.

- (16) Exercise the right to call-in for reconsideration of decisions made but not yet implemented by the Cabinet (and any other Council decision making body except Planning or Licensing Committees and appeal hearings).
- (17) Such other functions as the law shall dictate.

#### 5.4 REMITS OF SCRUTINY PANELS

[Updated : Council 4/5/11]

The specific remits for each Scrutiny Panel are as follows:

Panel	Summary of Panel Remits
<b>Overview and Scrutiny Committee</b>	Management of Scrutiny function, Councillor Call for Action (CCfA), Call-In Scrutiny work programme Performance management Strategic & Corporate Policies Budget consultation Customer Focused Services Corporate Governance Human Resources Communications Procurement Enfield Strategic Partnership Petitions
<b>Older People and Vulnerable Adults Scrutiny Panel</b>	Older people's access to public services Safeguarding of Adults Home Support Residential Care Mental Health Learning Disability Physical Disability Sensory Impairment Carers Supporting People
<b>Children and Young People Scrutiny Panel</b>	Children's and Young People's access to public services Safeguarding Special Educational Needs Educational Psychologists Education, Early Years, CAMHS, Youth Services, Play Development Education Welfare School Improvement Behaviour Support Admissions Children in Need Early Intervention Teenage Pregnancy Community Education Student Support Looked after Children Children with Disabilities Fostering and Adoption The Third Sector dealing with Children

<p><b>Crime and Safety and Strong Communities Scrutiny Panel</b></p>	<p>Social cohesion  Anti-social behaviour  Community Safety  Crime reduction  Youth Offending  Safer Neighbourhoods  Street Crime, Violent crime and Burglary  Diverting young people from crime  Drug misuse and Alcohol related crime  Fear of crime  Emergency Planning  Monitoring Performance of the Safer Stronger Communities Board  Probation</p>
<p><b>Sustainability and Environment Scrutiny Panel</b></p>	<p>Urban Environment, Rural Environment  Street Scene, Highways, Street Cleansing, Street Lighting  Waste, recycling  Parks &amp; Open Spaces  Leisure, Libraries  Wider Environment, rivers, woodlands  Traffic and Parking  Enforcement Activities including Trading Standards  Environmental Health  Climate Change, Carbon Reduction, Sustainable Development</p>
<p><b>Health and Wellbeing Scrutiny Panel</b></p>	<p>All Health Services, NHS Commissioners and providers  <del>NHS North Central London</del>  <del>NHS Enfield (subject to national developments)</del>  <b>Charities and Independent providers</b>  Local Foundation Trusts  Provision of Primary, Community and Tertiary healthcare  London Ambulance Service  Mental Health Services  Joint Borough Commissions  Drug &amp; Alcohol Misuse  Public Health  Any other service provider funded by the NHS, Enfield Health and Health and Well Being Board (New), NHS England</p>
<p><b>Housing, Growth and Regeneration Scrutiny Panel</b></p>	<p>Enfield HOMES  Repairs &amp; Maintenance  Housing Needs  Assessments  Homelessness  Temporary Accommodation  Private Sector Housing  Sheltered Accommodation  Estates Management  Disabled facilities Grant  Revenues &amp; Benefits  Inspection Process  Registered Social Landlords  Local Development Framework  Economic Development  Employment/Unemployment and Inward investment  Business Development  Master Planning</p>

## 5.5 HEALTH & WELLBEING SCRUTINY PANEL

### (a) Purpose

Provision is made in this constitution for the Council to appoint a Health & Wellbeing Scrutiny Panel. **This will discharge the scrutiny functions conferred by the Health and Social Care Act 2012 and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.**

### (b) Functions of the Health Scrutiny Panel

(i) The Health Scrutiny Panel will be required to scrutinise the planning and provision of local health services and through this process contribute to the continuous improvement of health services and services that impact upon health. The Panel will be appointed at the Annual Council meeting each year.

(ii) **The Act contains a number of provisions which impact upon the Health Scrutiny):**

- a. **The Health and Social Care Act 2012 confers the power to determine how Local Authorities discharge their health service review and scrutiny powers upon the Council. The Council may agree to the retention of the Health and Wellbeing Scrutiny panel as the "method of choice" through which it will discharge its duty to review and scrutinise health service issues within the area, or make alternative arrangements such as setting up new committees.**
- b. **The regulations extend the councils formal powers to review & scrutinise all relevant NHS bodies and relevant health service providers. This means the council will have the powers to scrutinise a wider range of healthcare providers e.g. charities, and independent providers.**
- c. **There is a requirement for the health service to consult the Council and provide dates and publish timeframes for its decision making process on proposals for substantial developments**
- d. **The regulations formalise arrangements for scrutinising matters including inviting interested parties to comment on a matter, and the requirement to respond to the Council in 28 days of a request for information, likewise, the Council must respond to a matter referred to by the local healthwatch within 20 days.**
- e. **Public Health services commissioned by the Council/Health and Wellbeing Boards will also be subject to scrutiny.**



- (iii) **The following provisions are preserved:**
- (a) **Enable health scrutiny to review and scrutinise any matter relating to health services in its area**
  - (b) **Require NHS bodies to provide information to and attend before meetings of the committee**
  - (c) **Make reports and recommendations to relevant nhs bodies and to the local authority**
  - (d) **Require health providers to respond within a fixed timescale**
  - (e) **Require health providers to consult local authorities on proposals for substantial variations to the local health service.**
  - (f) **The statutory guidance underpinning the regulations is expected to be published later.**

(c) **Terms of Reference of the Health & Wellbeing Scrutiny Panel**

**Further guidance is expected regarding the role and function of Health & Wellbeing Scrutiny committees, the terms of reference shown in the constitution will be examined when such guidance is published. Until this guidance is published the Councils Health & Wellbeing Scrutiny Panel Terms of Reference will be;**

- (1) **To review and scrutinise any matter relating to Health Services in Enfield, make reports and recommendations to any NHS bodies and the Local Authority, require NHS bodies to provide information and to attend before the committee, require Health providers to consult the Council on substantial variations, Scrutinise matters in relation to public Health Services commissioned by the Council / Health and Wellbeing Boards**
- (2) **To develop a knowledge base on health issues both nationally and across the borough (this will include information gathering sessions designed to extend Members' knowledge of the main local health providers and the services they provide);**
- (3) **Agree with local NHS bodies working arrangements for Council led health scrutiny arrangements and to identify with them potential items for inclusion in an initial health scrutiny work programme;**
- (4) **Discuss and agree with neighbouring local authorities, potential arrangements for cross borough health scrutiny;**

- (5) Consider revised draft panel terms of reference (based on the DoH guidance when issued) and make recommendations to Council for their adoption and incorporation into the Council's Constitution;
- (6) Oversee the development of council support arrangements for the health and Wellbeing scrutiny functions and powers;
- (7) To approve, via the Overview and Scrutiny Committee, an annual work programme so as to ensure that the Panel's time is effectively and efficiently utilised;
- (8) To work in partnership with the Council's Overview and Scrutiny Committee;
- (9) To engage the public, the voluntary sector and other interested partners in the Panel's work programme.

**(d) Rights and Powers of the Health & Wellbeing Scrutiny Panel**

The rights and powers of the Council Health Scrutiny Panel are as follows:

- (1) Power to work directly with representatives of local NHS bodies in order to identify potential items for inclusion in an initial health and Wellbeing scrutiny work programme;
- (2) Right of information from the Cabinet and the Executive (those who manage and deliver services);
- (3) Right to make comments and recommendations to the Cabinet and the Council's Management Board and to receive reasoned responses;
- (4) Right to comment or make recommendations to Council on matters reserved to the Council at the same time as the Cabinet make recommendations on those matters;
- (5) Right to make recommendations to the Council on other matters through an annual report;
- (6) Power to request information from other bodies and the public;
- (7) Right to visit different locations;
- (8) Right to have reports published, including minority reports;

- (9) Power to set up enquiries, or to recommend to Council the setting up of enquiries;
- (10) Power to hold hearings on particular topics;
- (11) Power to co-opt up to 3 people without voting rights;
- (12) Power to appoint independent expert advisers;
- (13) Right to establish sub-committees responsible for carrying out scrutiny reviews, enquiries and hearings on behalf of the panel. These will be time-limited and report their findings to the panel and will enjoy the same powers as set out above with the exception of this provision;
- (14) Power to require the attendance of any officer of a local NHS body **(as defined in the Health and Social Care Act 2012)** to attend before the Panel to answer questions. [Updated Council 27/6/07]

## **5.6 POWERS OF THE OVERVIEW AND SCRUTINY COMMITTEE AND THE SCRUTINY PANELS**

The powers of the Overview and Scrutiny Committee and the Scrutiny Panels will be as follows:

- (a) Right of information from the Cabinet and the Executive (those who manage and deliver services);
- (b) Right to make comments and recommendations to the Cabinet and the Council's Management Board and to receive reasoned responses;
- (c) Right to comment or make recommendations to Council on matters reserved to the Council at the same time as the Cabinet make recommendations on those matters;
- (d) Right to make recommendations to the Council on other matters through an annual report;
- (e) Power to request information from other bodies and the public;
- (f) Right to visit different locations;
- (g) Right to have reports published, including minority reports;
- (h) Power to set up enquiries, or to recommend to Council the setting up of enquiries;
- (i) Power to hold hearings on particular topics;

- (j) Power to co-opt up to 3 people without voting rights (in addition to the Education Statutory Co-optees – see Chapter 5, paragraph 5.14(b));
- (k) Power to appoint independent expert advisers;
- (l) Right to establish sub-groups responsible for carrying out scrutiny reviews, enquiries and hearings on behalf of the Committee/Panel. These will be time-limited and report their findings to the Committee/Panel and will enjoy the same powers as set out in this section with the exception of this provision;
- (m) The right to require the attendance before it of any Cabinet Member, and any officer at Head of Service or above.

## **5.7 POLICY FRAMEWORK**

The role of the Overview and Scrutiny Committee and Scrutiny Panels in relation to the development of the Council's budget and policy framework is set out in detail in the Cabinet's Budget and Policy Framework Procedure Rules.

The Committee and Panels will comply with the requirements of the Council's aims as stated from time to time in its strategic directions.

They will work within the same policy framework as the Cabinet.

It is open to Overview & Scrutiny Committee or any Scrutiny Panels to propose changes to the Council's policy framework. Such proposals must be made to the Cabinet in the first instance. It will then be for the Cabinet to decide whether to recommend the proposed changes, where appropriate in amended form, to the Council.

When the Council considers a recommendation from the Cabinet as above, the Council must also consider any proposal by the Committee or Panel to vary the recommendation before deciding the matter.

Where the Overview & Scrutiny Committee or Panel's recommendation, as above, is not accepted by the Cabinet in whole or in part, the Overview & Scrutiny Committee or Panel can include the recommendation in a report to the Council.

## **5.8 SPECIFIC FUNCTIONS**

### **(a) Policy Development and Review**

Policy Review by the Overview & Scrutiny Committee and Panels in pursuit of their agreed purpose can be of existing Council policy or of the need for a new policy. This can include policy within which the

Cabinet and the Council's Management Board exercise delegated authority.

The Overview & Scrutiny Committee and Panels may:

- (i) Assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) Conduct research and other consultation in the analysis of policy issues and possible options;
- (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) Questions members of the Cabinet and Chief Officers about their views on issues and proposals affecting the area;
- (v) Liaise with other external organisations and stakeholders in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

**(b) Performance Review**

The Overview & Scrutiny Committee and Panels may review performance within the following framework:

- Scrutiny will be of the Council and not individual performance;
- The annual programme of review and scrutiny by the Overview & Scrutiny Committee and Panels will be devised within the scope of the Council's Performance Management Framework;
- Scrutinising performance outside the framework in the two bullet points above will be with the agreement of full Council following consultation with the Cabinet;
- The Overview & Scrutiny Committee and Panels will build on its programme of performance and service review activities and incorporate these into its annual programme;
- Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- Scrutinise the performance of the Council's Best Value Reviews;
- Review and scrutinise the performance and impact of other public bodies with and bounding the area and invite reports from them by requesting their representatives to inform the Overview & Scrutiny Committee and Panels and local people about their policies, activities and performance.

The Overview and Scrutiny Committee and Scrutiny Panels may:

- (i) Review and scrutinise the decisions made by and performance of the Cabinet and Council Officers both in relation to single decisions or those made over a period of time;
- (ii) Question members of the Cabinet and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to a particular decision, initiatives or projects;
- (iii) Make recommendations to the Executive and/or full Council arising from the outcome of a scrutiny process;
- (iv) To question and gather evidence from any individual (with their consent).

## **5.9 INDEPENDENCE**

The Overview and Scrutiny Committee and Panels are independent from the Cabinet and other parts of the Executive. They will co-operate with the Executive in pursuit of the Council's aims, and will help to ensure the effective operation and planning of the Council's business.

## **5.10 FINANCE**

The Overview and Scrutiny Committee and Panels will exercise overall responsibility for the finances made available to them.

The Council's facilities and resources, including budgets, will be available to assist the Overview and Scrutiny Committee and Panels in their work. This includes the Council's research budgets. The Cabinet and the Council's Management Board will ensure that these facilities are made available and that unreasonable restrictions are not placed on the Overview and Scrutiny Committee and Panels in this regard.

The Council will also make available a specific budget to the Overview and Scrutiny Committee and Panels to assist their work and to foster their independence of the Executive. This budget will make provision to meet costs such as hire of rooms and accommodation, preparing reports and making them public, carrying out enquiries, paying fees to and meeting the expenses of independent expert advisers.

## **5.11 ANNUAL REPORT**

- (a) The Overview and Scrutiny Committee will present an annual report to the Council.
- (b) The Annual Report will contain information on the work done by the panels over the past year and recommendations for work to be done in the year to come.

## **5.12 OFFICERS**

The Chief Executive, Directors and Assistant Directors (or their representatives) may attend Overview and Scrutiny Committee and Panel meetings and will attend when requested to do so. The Lead Officer(s) and Scrutiny Secretary supporting the Overview and Scrutiny Committee/Panels will also attend and give advice at all meetings including those held in private.

The Overview and Scrutiny Committee or Panels, the Lead Officer or a member of the Council's Management Board may request the participation of the Council's Monitoring Officer in a scrutiny meeting.

## **5.13 MEMBERSHIP**

All councillors, except members of the Cabinet, may be members of the Overview and Scrutiny Committee or Scrutiny Panels. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

The Overview and Scrutiny Committee will comprise the chairmen of the Scrutiny Panels, with an additional member appointed as Chairman who does not need to chair a Scrutiny Panel. The Chairman of the Committee will be appointed by the full Council at its annual meeting. The Vice Chairman will be appointed by the Committee itself.

[Updated: Council 4/5/11]

Each Scrutiny Panel will be made up of 9 councillors, one of whom will be chairman. The balance of membership between the party groups will comply with the legal requirements of proportionality. The Chairmen and members will be appointed annually by Full Council.

## **5.14 CO-OPTEEES**

### **General Co-optees**

Each Scrutiny Panel other than the Children & Young People's Scrutiny Panel will be able to appoint up to 3 non-voting co-optees whose contribution will, in the Panel's view, contribute to the achievement of its remit and terms of reference.

Co-optees will be able to participate in all aspects of the Panel's work but will not be able to vote. Co-optees will abide by the Council's rules of conduct including the respecting of confidentiality and declaration of interests.

Co-optees will be appointed for no longer than one municipal year ending with the Annual Meeting of the Council. Subject to the decision of the Panel no co-optee will normally be allowed to serve continuously for more than two municipal years and will stand down for one municipal year ending in May before

being eligible again for co-option, unless otherwise agreed by the relevant Panel.

The Director of Finance, Resources and Customer Services (in consultation with the Group Leaders, Chief Executive and other Directors as appropriate) will identify and recommend for appointment suitable individuals for co-option. This will be based on the following criteria:

- (1) Co-optees should live or work within the Borough of Enfield, or have a significant local connection.
- (2) They should be able to demonstrate a reasonable knowledge of the Council's role and services.
- (3) Co-optees should not be employees of the Council or of an organisation contracted to provide services on behalf of the Council.
- (4) The role of a co-opted panel member will be voluntary. They will be able to claim travel and other legitimate expenses.

**(b) Education Representatives**

The Overview and Scrutiny Committee and Children & Young People's Scrutiny Panel will be responsible for dealing with education matters and shall include in their membership the following 5 Education Statutory Co-optees as co-opted voting representatives:

- (a) 1 Church of England diocese representative (at least one);
- (b) 1 Roman Catholic diocese representative (at least one);
- (c) 2 parent governor representatives; and
- (d) 1 representatives of other faiths or denominations.

These co-optees will be able to vote, but only on matters relating to schools and pupils who attend them. These representatives shall not vote on other matters, though they may stay in the meeting and speak. These co-optees will also be eligible to participate as voting members in any sub-panels, established by the Overview and Scrutiny Committee or Children & Young People's Scrutiny Panel, for the purpose of reviewing education issues. In addition the panel may include a representative from the Enfield College Principals Group as a non-voting co-opted member.

**5.15 APPOINTMENT OF INDEPENDENT EXPERT ADVISERS**

The Overview and Scrutiny Committee and the Scrutiny Panels will be able to appoint as many non-voting independent expert advisers as they consider necessary, to contribute to the achievement of their purpose, remit and terms of reference.



The Director of Finance, Resources and Customer Services (in consultation with the Chief Executive, Group Leaders, and where appropriate other Directors) will be authorised to identify and recommend suitable candidates for appointment.

The periods of appointment will vary according to the wishes and needs of the Overview and Scrutiny Committee or Panel. No adviser however will be appointed for more than the period designated for a review.

They will only need to attend meetings when required by the Overview and Scrutiny Committee or Panel.

Independent advisers may receive payment in accordance with a standard scale to be agreed by the Council, plus travel and other legitimate expenses.

They will be expected to abide by the Council's rules of conduct, including declarations of interest and the respecting of confidentiality.

The criteria for selection will be as follows:-

- (a) candidates must be able to demonstrate an expert knowledge of the subject in question;
- (b) they should have no contact with the Borough of Enfield which could be seen as being prejudicial to their independence; and
- (b) candidates should not be employees of the Council or of an organisation contracted to provide services on behalf of the Council.

## **5.16 STATUTORY SCRUTINY OFFICER**

The Head of Corporate Scrutiny Services is designated as the Council's Statutory Scrutiny Officer whose function is:

- (a) To promote the role of the Authority's Overview and Scrutiny Committee or Committees;
- (b) To provide support to the Authority's Overview and Scrutiny Committee or Committees and the Members of that Committee or those Committees;
- (c) To provide support and guidance to:
  - (i) Members of the Authority
  - (ii) Members of the Executive of the Authority, and
  - (iii) Officers of the Authority

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**COUNCILLORS' QUESTIONS: 9 October 2013****Question 1: from Councillor Lavender to Councillor Stafford, Cabinet Member for Finance and Property**

The U.K. Information Commissioner's Office (ICO) has issued on 8th August a new Code of Practice on dealing with Subject Access Requests (Code).

All data controllers are advised to review the Code and ensure that their Subject Access Request policies and procedures reflect the guidance contained within it. As an added "incentive", the ICO has announced that it will be conducting a Subject Access Request "sweep" of web sites later this year.

What steps has the Council taken to comply with this Code of Practice, what guidance does it hope to issue to Councillors and what is the outcome into the investigation into the discovery of sensitive personal data concerning childcare services lying around the abandoned Southgate Town Hall building?

**Reply from Councillor Stafford**

The Council already has a Subject Access Policy and Procedure and this was approved by the ICO audit that was conducted in January 2103. The ICO Code of Practice offers further guidance on dealing with Subject Access Requests and will be incorporated in the Council's Subject Access Policy and Procedure if required when it is reviewed shortly. The Code of Practice will be used in the training of staff nominated in each Department who deals with Subject Access Requests.

The Council's Subject Access Policy and Procedure applies to councillors who respond to Subject Access Requests involving data that has been provided by the Council in the course of their business with the Council. The Council is considering making available an online Data Protection training for councillors, and this will incorporate training on Subject Access Requests. If comprehensive face-to-face training is required by some Members then this can also be arranged.

"The ICO concluded its investigation into the incident reported to the ICO involving disclosure of sensitive personal data to an unauthorised third party and concluded:-

The wider policies and procedures covering information governance are of a good standard.

It has not been possible for the Council, the independent auditors or ICO to conclude exactly what happened in relation to the removal of the files from the secure storage area.

After careful consideration of the facts of this case, it does not seem appropriate for the ICO to take any formal regulatory action."

It is also important to note that Southgate Town Hall was not abandoned.

**Question 2: from Councillor Simon to Councillor Bond, Cabinet Member for Environment**

Can the Cabinet Member please outline the problems which have arisen at the Brimsdown Sports Ground and what action the Council is taking to deal with them?

**Reply from Councillor Bond**

The sports ground is leased to Goldsdown Sports Limited, who have been tenants for many years.

Work was started on site earlier this year, without prior consultation with the Council, either in its position as landlord, or as Planning Authority.

The work first came to our notice when officers visited the site in June to discuss other unrelated matters with the tenant. At that time we were assured that the work was to improve the pitches and would involve some additional soil which would increase the height around the edge of the pitches. Approval was given to the work on the condition that the main site level would remain unaltered, with bunds around the perimeter of the site constructed to a maximum of 2 metres. The tenants also agreed to make a retrospective planning application in respect of the work.

At a further inspection of the site on 5 August it became clear that the site levels of the majority of the site had been increased by importing of substantial volumes of spoil, and that bunds had been constructed substantially in excess of 2 metres in some places.

Following this inspection a temporary stop notice was served by the Council, as Planning Authority. A site survey was commissioned together with a contamination report. These have confirmed that:

- The site levels are significantly higher than had been approved by Officers.
- Some of the soil imported onto the site is contaminated – but does not present a risk to local residents.

The tenant was advised that the Council as landlord requires full reinstatement of the sports ground to its original condition and level. Solicitors acting for the tenant requested time in order to respond. No such response has been received, to date. The Council is considering legal proceedings against the tenant.

**Question 3: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

Can he tell the Council the number of days lost through staff absence due to sickness in each of the financial years 10/11, 11/12, 12/13 set out by department and pay scale?

**Reply from Councillor Stafford**

Please see the average number of days lost per employee by department. The reduction has been achieved through working closely with the trade unions. Please note that our reports do not detail this information by pay scale:

<b>2010/11</b>		<b>2011/12</b>		<b>2012/13</b>	
CEX	8.5	CEX	3.7	CEX	4.1
ENV	9.1	ENV	7.2	ENV	8.7
FRCS	8.7	FRCS	7.8	FRCS	7.0
HHASC	11.2	HHASC	10.1	HHASC	11.6
RLC	4.5	RLC	5.3	RLC	4.2
SCS	8.4	SCS	10	SCS	8.2
<b>TOTAL</b>	8.82	<b>TOTAL</b>	8.61	<b>TOTAL</b>	8.43

**Question 4: from Councillor Sitkin to Councillor Taylor, Leader of the Council**

Could the Leader update on the mini Holland cycling project?

**Reply from Councillor Taylor**

The Mayor has set up an £100m 'mini-Holland' fund to allow 3 or 4 outer-London boroughs to transform conditions for cyclists. Of the 20 eligible outer London boroughs, Enfield was one of only eight that have been short-listed to go forward to the next round. If successful, our bid could result in an investment of around £25m that will provide wide ranging benefits for the borough, including better access to employment opportunities, less pollution and improved health.

I will be meeting Andrew Gilligan, the Mayor's Cycling Commissioner, on 7<sup>th</sup> October (together with Councillor Laban) to obtain feedback on our initial proposals. In the meantime we are working up our proposals and working with Dutch experts to develop our ideas. The deadline for our submission is the end

of November and we expect to hear whether we have been successful early next year.

**Question 5: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

Can he tell the Council the number of agency staff engaged for each of the three years 10/11, 11/12 and 12/13 across all departments and specified by department and individually by all pay levels? Can he set out the costs of such staff showing the pay costs if they had been employed directly? Also will he show the same information for the current year to date?

Can this also be expressed as an average daily cost for each department and in particular show how much of these totals is paid to agencies.

**Reply from Councillor Stafford**

Due to the fact that there is a higher turnover of agency workers throughout the year, providing information on the headcount would not give an accurate reflection of the usage of agency workers over the full year. A much better indication can be gained by the total spend which is as follows:

The totals paid to agencies (who are then responsible for paying the agency worker) in 2010-11, 2011-12 and 2012-13 are shown below:

<b>2010-2011</b>		
<b>Department</b>	<b>Spend</b>	<b>Average Spend Daily</b>
Chief Executive's Service	£364,030.12	£997.34
Environment	£1,427,849.82	£3,911.92
Finance & Corporate Resources Department	£3,334,534.21	£9,135.71
Health, Housing & Adult Social Care Dept	£4,348,799.12	£11,914.52
Regeneration, leisure and Culture	£3,308,306.25	£9,063.85
Schools & Childrens services Department	£2,981,163.40	£8,167.57
<b>Grand Total</b>	<b>£15,764,682.93</b>	<b>£43,190.91</b>

<b>2011-2012</b>			
<b>Department</b>	<b>Spend</b>	<b>Average Spend</b>	<b>Daily</b>
Chief Executive's Service	£82,363.76	£225.65	
Environment	£2,353,405.95	£6,447.69	
Finance, Resources and Customer Services	£2,827,386.97	£7,746.27	
Health, Housing & Adult Social Care Dept	£4,786,133.00	£13,112.69	
Regeneration, Leisure and Culture	£469,328.55	£1,285.83	
Schools & Childrens services Department	£1,875,398.11	£5,138.08	
<b>Grand Total</b>	<b>£12,394,016.35</b>	<b>£33,956.21</b>	

<b>2012-2013</b>			
<b>Department</b>	<b>Spend</b>	<b>Average Spend</b>	<b>Daily</b>
Chief Executive's Service	£166,442.34	£456.01	
Environment	£3,423,849.55	£9,380.41	
Finance, Resources and Customer Services	£3,306,019.31	£9,057.59	
Health, Housing & Adult Social Care Dept	£4,787,330.86	£13,115.97	
Regeneration, Leisure and Culture	£349,527.37	£957.61	
Schools & Children's services Department	£1,996,835.88	£5,470.78	
<b>Grand Total</b>	<b>£14,030,005.31</b>	<b>£38,438.37</b>	

#### 2013 to date

Providing information mid-year will not give an accurate reflection of the average year spend as it will not take into account seasonal variations.

It is not possible to provide meaningful data comparing the cost of staff employed directly to those engaged through an agency for the following reasons. First, the provisions of the Agency Workers regulations only require employers to pay the equivalent employer pay rates to agency staff after 13 weeks. Second, it is not possible to predict what the employer's pension contributions would be if the agency worker worked directly, as the worker can choose to either join or opt out of the pension scheme. Lastly, some agency

workers are engaged in positions where there is no comparable position within the Council.

**Question 6: from Councillor Uzoanya to Councillor Oykenner, Cabinet Member for Housing**

Could the Cabinet Member give details on the impact of the bedroom tax?

**Reply from Councillor Oykenner**

Between April and the end of August, the number of Enfield Homes customers affected by the bedroom tax fell by 12% to 766. The majority (611) are under occupying by 1 bedroom and the balance (155) by two bedrooms. The average Housing benefit reduction is £17.31 per week.

Of those under occupying by 1 bedroom, 44% paid all the rent due, with the remaining 341 in arrears by an average of £385 (noting that some of these arrears pre date the impact of the bedroom tax)

55% of those under occupying by two bedrooms paid all the rent due with 70 customers in arrears by an average of £533.

Those under occupying and in arrears represent just under 10% of all Enfield Homes rent arrears.

139 households affected by the bedroom tax have rent accounts in debit by £0.01 or more as at 22nd September 2013 who prior to April were not in arrears.

Potentially reflecting the wide communication campaign in advance of the bedroom tax implementation, overall rent collection has improved by just under 1% since the same period in 2012/13.

11 households who were affected by the bedroom tax have moved to smaller accommodation and are no longer impacted

My concern is that this tax is disrupting people's lives, causing some to move away from their roots and the homes they have established over a number of years and with other benefit changes could be a ticking time-bomb. Obviously some people will have found employment, but I fear many will accept that they have to move. What is most serious is that people are being penalised through this tax because there are simply not enough smaller homes for them to move to. It is a national problem, only solved when we build more affordable housing. However I warmly welcome Labour's intention to abolish this tax.

**Question 7: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

The previous administration took a policy decision to employ agency staff for those functions that were financed by short term government grants, which



were subject to the risk of non-renewal. As a consequence of this foresight the present administration was able to limit redundancy costs when such grants were in fact not renewed.

However, in the light of changes to legislation regarding conditions for agency/temporary workers, could he please tell the Council what now are the advantages of employing agency staff?

**Reply from Councillor Stafford**

The engagement of agency workers enables the Council to cover short term vacancies, absences and in specialist areas where there is no internal capacity. The engagement provides flexibility and supports the Council's strategy of minimising the number of compulsory redundancies. However we are committed to permanent employment for staff.

**Question 8: from Councillor Lemonides to Councillor Stafford, Cabinet Member for Finance and Property**

Can the Cabinet Member for Finance and Property advise the Council on how successful Enfield is at Council Tax Collection?

**Reply from Councillor Stafford**

Enfield Council, in partnership with Experian, has been shortlisted for a prestigious award (given by the Institute of Revenues Rating and Valuation – IRRV). The Council piloted Experian's new Debt Prioritisation Service to target high value Council tax arrears cases. Enfield provided 2,500 arrears cases to Experian to match to a variety of data sources. The results provided a range of information which allowed a small taskforce to work through each case and select the appropriate enforcement option.

To evaluate the success of the scheme the Council compared several key Council tax indicators for 2011/12 and 2012/13. The results showed an overall reduction in arrears of over £1.5m, and increase in charging orders of £1.1m, resulting in a saving of £450k in bad debt provision. In addition, Enfield's arrears collection as shown in the Governance QRC return for 2012/13 was £5,983k, the 4<sup>th</sup> highest in England and the highest in London by some £1.7m.

Enfield's overall collection rate remains the joint 9<sup>th</sup> highest in London, above many wealthier boroughs.

**Question 9: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

Can he tell the Council separately for Council housing and all other assets how much debt is owed by the Council and the cost of servicing at such debt

expressed in sterling terms (a) total per annum and (b) as a proportion of Band D Council tax.

### **Reply from Councillor Stafford**

The Council's total debt at 31<sup>st</sup> August 2013 was £294.2m.

	<b>£'000</b>
General Fund	165,517
Housing Revenue Account	128,687
<b>Total Debt</b>	<b>294,204</b>

The annual cost of the debt is £26.27m of which £19.522m is met from the General Fund. Based on the Council's gross 2013/14 Estimated General Fund Expenditure of £975m the cost of financing equates to 2.0% of the Council Tax charge or £22.02 of Band D (£1,100.34 LBE charge 2013/14).

### **Question 10 from Councillor Constantinides to Councillor Orhan, Cabinet Member for Children & Young People**

When Labour wins the next general election, can the Cabinet Member advise what are the plans for child care in Enfield?

### **Reply from Councillor Orhan**

Colleagues will be aware of the excellent childcare available for families in Enfield – both provided through the local authority run Children's Centres and schools and through a wide and diverse range of private providers such as private nurseries and childminders.

These give parents access to good quality childcare which enables parents to work or study and gives children access to early years education, helping prepare them to start school and building a good foundation for future learning.

Enfield has recognised the importance of delivering good quality childcare both for the educational development of children and to support parents and therefore prioritised spending in this area. However, current funding reductions are already impacting on this area and further future Coalition reductions would mean we would be unable to sustain the current level of service.

In a time of significantly reducing resources I am proud to say that we have:

- Maintained 23 Children's Centres

- Refocused support to our most deprived and vulnerable families
- Supported the development of an additional 545 Ofsted registered childcare places for under 5s and
- Successfully launched our Terrific Twos programme which is currently providing nearly 700 new, free childcare places for deprived 2 year olds.

Unlike other local authorities we have maintained a support team and network for childcare providers to ensure the quality of the provision. Through the excellent support and training provided through our Early Years and CACEY Teams the quality of childcare in Enfield has been improving:

- Two thirds (67%) of all Ofsted registered settings in Enfield are now either Good or Outstanding, this improvement has been particularly marked in areas of greatest need
- The number of early years settings which have been judged by Ofsted to be Good or Outstanding has increased. Just over half of Enfield's childminders have now been graded as 'Outstanding' or 'Good'.
- Satisfaction rates from parents have improved. Nearly all who were using childcare reported being 'very happy' with their current arrangements

However, we know that childcare, especially good quality childcare, is not cheap – nor should it necessarily be - but the importance of this early provision cannot be underestimated.

The current provision of 15 hours of free early years education for three and four year olds gives parents a good starting point but there are still significant costs for parents. Figures published by the Daycare Trust show that childcare costs are rising at more than 6%, double the rate of inflation (2.7%).

At the same time HMRC figures reveal that Welfare Benefit changes are costing low income families more than £500 a year in support for childcare costs and nationally 44,000 fewer families are receiving support.

For many families, particularly those with several children, the high costs of childcare mean that it is uneconomic or impractical to work.

I was therefore delighted by the announcement by Ed Balls this week that, under a Labour Government this will increase to 25 hours for working families. Coupled with the previous Labour proposals that schools will remain open longer, enabling parents to work longer hours if they wish, these policies will increase parents' choices and give them real help in managing their family lives and reducing their costs. More Enfield parents, if they choose, will be able to take on part time or full time work or study without having to worry about how they will pay for childcare.

The Council's Child and Family Poverty Strategy – Towards Prosperity identifies that increasing employment and raising income are key factors to moving children and their families out of the poverty which affects too many of our citizens. This policy provides a great opportunity to make a step change in the fight against poverty. It will give many families a real opportunity to increase their employability and their income, improve their life chances and their lives.

**Question 11: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

Could he confirm to the Council that:

1. He is aware of the judgement of the High Court of the recent case of *Attfield v: London Borough of Barnet* concerning parking charges.
2. This judgement is not to be appealed because Barnet have been advised by legal counsel that they have less than 40% chance of overturning it on appeal.
3. The effect of the judgement is to confirm that local authorities are not allowed to increase parking charges so as to produce a higher surplus to be applied for the various statutory purposes including concessionary fares and highway maintenance.

**Reply from Councillor Stafford**

1. Yes. I am aware.
2. As I understand it Barnet are not appealing.
3. The judgement confirmed that any surplus raised from parking charges must be used in accordance with Section 55 Road Traffic Regulation Act 1984 ("the Act"). Section 55 of the Act makes provisions for the money raised through orders made under section 45 and 46 of the Act to be entered into a ring-fenced account (Parking Places Reserve Account). At the end of each financial year any deficit in this account should be collected from the general fund and subject to being carried forward into the next financial year, any surplus can be applied for any of the purposes outlined in section 55(4) of the Act. These purposes include:
  - a. The making good of the general fund of any amount charged to that fund in the 4 years immediately preceding the financial year in question,
  - b. Meeting all or any part of the cost of provision and maintenance by the local authority of off-street parking accommodation
  - c. The making to other local authorities, or other person contributions towards the cost of the provision and maintenance by them, in the area of the local authority or elsewhere of off-street parking accommodation, whether in the open or under cover

- d. If it appears that further off-street parking is unnecessary or undesirable, meeting costs incurred in the provision or operation of, or of facilities for public passenger transport services and for the purposes of a highway/road improvement project, the maintenance of roads maintained at the public expenses, the purposes of environmental improvement in the local authority's area
- e. Meeting all or part of the costs of anything which facilitates the implementation of the London transport strategy

I am entirely content with this judgement and satisfied that our charging policy remains valid, as I always have been.

**Question 12 from Councillor Cranfield to Councillor Bond, Cabinet Member for Environment**

With Enfield's major planning applications currently running at over 60% can the Cabinet Member for Environment please update us on which Councils are being named as likely to fall into special measures?

**Reply from Councillor Bond**

No final announcement has been made on which Councils are to be placed in "special measures". Based on latest figures, those falling below the 30% threshold and failing to meet the criteria are: Halton, Barnet; North East Derbyshire; Tandridge; Cherwell; Lambeth; Fylde; Daventry; Horsham, and Blaby. A further four Councils, Adur; Hammersmith and Fulham; Lewisham and Worthing, face automatic designation because they have data missing for all seven quarters or the performance period.

**Question 13 from Councillor Neville to Councillor Stafford Cabinet Member for Finance and Property**

In the light of the High Court judgement in Attfield v: Barnet referred to in question number 11 above, and in the light of both the report to the Cabinet in July 2010 which led to the approval of significant increases in charges for residents permits and on street charges, and his recorded comments to the Bush Hill Park, Palmers Green and Winchmore Hill Area Forum on 1<sup>st</sup> December 2010

*"Councillor Stafford confirmed parking charges were being raised to gain additional revenue. If there was massive opposition to the proposal it would be reviewed, but savings had to be made and if this proposal was dropped the savings would need to be found elsewhere",*

Given the circumstances and reasons for Enfield's increase are identical to Barnet's will he now confirm (as Barnet have done), that all resident permit

holders will be refunded the increased charges unlawfully imposed by the administration?

Will he also confirm that on street charges will be reduced to a level that reflects an inflation only increase of the charges prevailing in May 2010?

**Reply from Councillor Stafford**

1. The reasons for Enfield's increase are set out in the Portfolio Report: Review of Permit Charges and Introduction of New Permit Types published on 18 March 2011. The Council's intention in increasing charges was not to raise revenue to defray the cost of other transport expenditure and is therefore not identical to the Barnet decision. The Barnet judgement makes no comment on what an appropriate level of charge might be, or the approach to categorisation of vehicles for charging purposes. What the Barnet judgement does recognise is that it may be prudent to make a surplus but it must not be the aim of the authority to make a surplus to defray other expenditure.

In addition there is an express recognition that any surplus can be applied in accordance with the s.55(4) of the Road Traffic Regulation Act 1984.

2. Enfield parking charges are entirely lawful, and it is both misleading and incorrect to suggest they are not.
3. No refund therefore needs to be provided to residents.
4. No. We set parking charges in line with the law.

**Question 14 from Councillor Sitkin to Councillor Bond, Cabinet Member for Environment**

Can the Cabinet Member for Environment inform the Council on why Barnet's Residential Parking Permit System failed a recent legal challenge? Can he also confirm the basis for Enfield's Permit System?

**Reply from Councillor Bond**

What failed in the Barnet decision was not the permit system but the basis of the charge. The court determined that the intention behind increasing the charges was to generate additional income which would be transferred from the SPA to the General Fund. The intention therefore, being to defray the expenditure on other road transport expenditure and reduce the need to raise income from other sources. It was this purpose which was not authorised under the Road Traffic Regulation Act 1984.

**Question 15: from Councillor Neville to Councillor Bond, Cabinet Member for Environment**

Would Councillor Bond confirm that:

1. He has read or been made aware of the detail of the High Court judgement in the case of Attfield v: Barnet?
2. He is aware of the guidance issued by the Secretary of State for Communities and Local Government about town centre parking and the need, which we have consistently impressed upon the Labour administration, to make town centre parking much less costly in order to generate trade in our high streets?
3. What action does he propose to take on these matters?

**Reply from Councillor Bond**

I am fully aware of the High Court Judgement and current Department for Communities and Local Government (DCLG) guidance, which states:

*Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. They should set appropriate parking charges that do not undermine the vitality of town centres. Parking enforcement should be proportionate.*

In accordance with this guidance, we have already taken steps to improve the quality of our car parks and plan a further major investment to boost trade by, for example, introducing a new Automatic Number Plate Recognition (ANPR) payment system in Palace Gardens. Our tariff structure has been devised to ensure a good turnover of spaces and to meet wider traffic management objectives. In addition, our approach to enforcement is in line with best practice elsewhere.

I have also read with interest the recent report published by the Association of Town and City Management and others entitled: Re-Think! Parking on the High Street. If Councillor Neville reads the report carefully, he will realise that there isn't a simple relationship between parking charges and town centre vitality.

**Question 16 from Councillor Levy to Councillor Bond, Cabinet Member for Environment**

What is the Cabinet Member for Environment's opinion of Eric Pickles' recent suggestion that we allow unlimited parking on double yellow lines?

**Reply from Councillor Bond**

This seems to be another example of the Secretary of State being out of touch with reality and even his own colleagues in Government were quick to distance

themselves from his comments. Double yellow lines are there for a reason: to help maintain traffic flow and to keep our roads safe.

**Question 17: from Councillor Neville to Councillor Orhan, Cabinet Member for Children & Young People**

Could the Cabinet Member for Children and Young People confirm how many pupils currently attending Enfield schools do not have English as a first language, and tell the Council the additional cost of teaching English to those pupils and what is the impact of this additional requirement on schools ability to teach the general curriculum?

**Reply from Councillor Orhan**

The most recent figures from the Census in May 2013 indicate that 46% of pupils in Enfield have English as an Additional Language (EAL).

All schools have a responsibility to ensure that they address the needs of their own pupils and they decide how to use the funding they receive via the Dedicated Schools Grant in order to raise achievement of all pupils. This is never seen as an additional cost and this is not separately identified in terms of spend. However schools receive funding that recognises factors such as mobility and EAL. Therefore schools with higher percentages of EAL pupils will receive higher funding.

This Council values the richness of our community and believes that diversity contributes to excellence, this is often reflected in the performance and progress of many of our ethnic groups.

All teachers receive initial training on the teaching of pupils in a multi ethnic classroom and how to deliver the national curriculum. In Enfield we have an excellent record of narrowing achievement gaps between groups of children, especially those with EAL. Over time we have developed a range of expertise and support that is recognised nationally. Schools use the Dedicated Schools Grant to access this support. In addition to this the Council offers an extensive training programme which includes support for pupils with EAL. This is offered to schools as a traded service, the vast majority of our schools buyback into this service.

**Question 18 from Councillor Robinson to Councillor Bond, Cabinet Member for Environment**

Can the Cabinet Member for Environment update the Council on recent steps taken by this Council to improve the viability of Enfield Town?

**Reply from Councillor Bond**

The Council is using its full range of powers and influences to improve the viability of Enfield Town and there are clear signs of economic recovery, with



new developments underway and new retailers moving in. Residential development such as the Bellway scheme and mixed use development along Silver Street are nearing completion. The corner site opposite the Dugdale Centre at 33 London Road has recently benefitted from a consent for a new hotel and Morrisons have moved in to the former HMV unit in the heart of the town, which has strengthened the retail offer. Meanwhile we are also working with local developers Fairviews to bring forward a residential scheme for part of the former Cecil Road car park, including an improved access to Town Park beyond.

There are also encouraging signs in the reuse of redundant units and buildings in the town – for example the empty Wenlock House office block in Eaton Road is currently being converted to flats and some of the empty properties above shops in the town are also being converted to residential use. The Council's planning policies strongly support the vitality of the town, requiring large convenience stores, comparison shopping, major leisure and office uses to be located here. These policies have been strengthened by the new Development Management planning policies published for consultation in the summer which will be submitted to the Secretary of State for examination later in the year.

Some of the actions we have taken to improve the viability of Enfield Town include:

- Introducing three hours free parking on Sundays;
- From mid-November, introducing an easy to use Automatic Number Plate Recognition payment system in Palace Gardens
- Also from mid-November, amending the current tariff structure in all car parks so that people are encouraged to stay longer in the town centre for no extra cost;
- Improving the street-scene in the Town, including new canopies for the market stalls;
- Developing plans to improve cycle routes to the Town Centre.

The Council commissions EBRA to provide support to the town centre retailers and businesses including in Enfield Town. We are currently working with the Enfield Business and Traders Association (EBTA), EBRA and local estate agents to produce marketing material promoting the shops and businesses in Enfield Town. Following recent representations from EBTA the Council recently removed the large planter in front of The George Pub which has produced more space for pedestrians and has improved the street scene.

Finally a programme of festive events has been developed to increase footfall and vitality in the run up to Christmas.

**Question 19: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

Since May 2010 how much has been spent on consultancy fees in connection with the Leaner programme and how many existing and occupied posts have been deleted as a result of this consultancy work?

**Reply from Councillor Stafford**

Since May 2010 approximately £1.5 million has been spent on consultancy fees in connection with Leaner. The changes as part of the Leaner programme enable managers to implement savings and delete posts. These changes include designing new service delivery models and processes and putting in place better ICT solutions. Since April 2011 over 200 posts have been deleted and individuals redeployed wherever possible. All of the changes depended on the many changes and services provided by the Leaner programme, which has made a major and sustainable contribution to ensuring Enfield's finances remain strong.

**Question 20: from Councillor Ibrahim to Councillor Bond, Cabinet Member for Environment**

Can the Cabinet Member for Environment give a general update on parks in the borough?

**Reply from Councillor Bond**

Our Parks continue to be the jewel in the Crown of the Borough. Residents satisfaction in Parks is running at an all-time high with 88% satisfaction with our parks and green spaces. We have retained our 8 Green Flag Parks and have invested in excess of £400K of new equipment into our parks Grounds Maintenance service including new mowers and tractors. In addition a sum in excess of £300K of Residents Priority Fund has also been allocated to parks into areas such as Green Gyms and Children's Play equipment.

Going forward we are currently looking to invest in a £1.7M Heritage Lottery Fund (HLF) grant into Forty Hall. Following a recent HLF inspection following up on HLF grant money invested into Town and Pymmes Park, Enfield was given extremely positive feedback on the way it has maintained that original investment. In the last year we have also successfully achieved a £50K award of Fields in Trust for 5 of our parks and have further applications underway for £200K with Sport England for Whitewebbs Golf Course. The results for these are due in the next 4 to 6 weeks but initial conversations with funding bodies are extremely positive.

We have a Parks and Open Spaces Strategy which now forms the basis for any park investment or improvement based upon a distinct set of criteria and need for any one park and the introduction of a Bio-Diversity officer has meant that

our habitat and wildlife is also at the centre of the decision making process for parks improvements.

We have increased to 24 Friends of Parks groups and 21 of those have signed the Partnership Agreement with the Council which maps a Gold, Silver and Bronze level of commitment that is expected from both parties re issues such as volunteering. We are also working with 3 groups who have responded to Expression of Interests to operate certain facilities (such as an old disused toilet block) and thus relieving the Council of the asset and the associated 'burden' as well as introducing a new service into the park such as a café.

**Question 21: from Councillor Headley to Councillor Oykenner, Cabinet Member for Housing**

Can the Cabinet Member for Housing please detail what provisions the Council has for travelling communities as Haselbury Park was recently the home of a travelling community?

**Reply from Councillor Oykenner**

There are no designated Traveller Pitches in Enfield.

If an unauthorised encampment is on privately owned land, Enfield Council will provide advice to the owner about their options available in dealing with it.

The Council is developing an Unauthorised Encampment Policy which will set out the Council's approach to addressing individuals who occupy Council owned land with the intention of residing on that land. This is on the Key Decision List for Cabinet in March 2014.

Should a travelling community arrive in the borough then the Council will carry out enquiries to establish the facts. It is important to establish whether or not the land occupied is private or public land and whether or not the encampment is lawful or not. When addressing unlawful encampments on Council owned land, the Council will visit the site to establish the facts including past and future movements, anticipated length of stay, reasons for current stay, state of the encampment, risk of damage and rubbish implications. Health and welfare enquiries will also be undertaken including an assessment of health and medical needs, educational needs and housing needs so that information about local services and how to access them can be given. All of this information will be used to inform a decision about how to proceed with the site.

The Council's Housing Enforcement Team and Community Safety Team will work with the Police and other agencies to address the needs of travelling communities and ensure the safety of the site.

**Question 22: from Councillor Savva to Councillor Bond, Cabinet Member for Environment**

Can the Cabinet Member for Environment give the Council an update on North London Waste Authority (NLWA) procurement?

**Reply from Councillor Bond**

The Labour dominated NLWA has decided to withdraw from the procurement process originally agreed in 2008. In 2008 the Conservative Group sat on the NLWA. The now Labour dominated NLWA have done this because they believe the strategy agreed in 2008 was not good value for money for local taxpayers.

**Question 23: from Councillor Headley to Councillor Stafford, Cabinet Member for Finance and Property**

Can the Cabinet Member for Finance and Property tell us how much funding Enfield Voluntary Action has had since 2011 and what proportion of its total funding is for salaries, rent, essential services?

**Reply from Councillor Stafford**

I thank the elected Member for bring to wider attention the work of Enfield Voluntary Action, our local Council for Voluntary Services that provides much needed support to Enfield's wide range of community organisations. The amount of funding the Council has provided to Enfield Voluntary Action in the financial years 2011/12 and 2012/13 has totalled £479,296 out of an average running cost for the organisation of £758,000 for the same period. This vital support service is based largely on the activities of paid staff supported by volunteers operating from Community House. The funding made available, which is consistent with that by the previous administration, has meant that over 400 local organisations have been supported directly each year to access funding opportunities, of which over 100 local groups are currently members of EVA. Many local organisations receive vital advice and support to organise themselves to be more robust and sustainable and this underpins our efforts within the Council to engage positively with the local VCS and wider community groups including a network of supplementary schools across the borough.

This funding commitment also includes support to the Enfield Volunteers Centre coordinated by EVA at Community House that provides a vital focal point for volunteering opportunities in the borough. Volunteer Centre Enfield has registered 5892 local people interested in volunteering for the first time in past two years and connected them to volunteering activity in the borough, helping to build community resilience and exceeding its agreed targets in the process.

Finally, it is important to also note that Enfield Voluntary Action has continued its long tradition of adding value to our agreements with them by being highly active in bringing in additional funding to the borough to deliver support to local

people. In the past two years we estimate that this has been in the region of £500,000 in terms of enabling local organisations to access external funding and also in successful bidding by EVA to run grants programmes in Enfield. The importance of capturing these complimentary funding streams cannot be overstated and have benefited Enfield hugely, providing further evidence of the strategic importance of the role EVA provides to help us continue to support and build a dynamic third sector and strong communities in the borough.

I am sure she will agree with me that this offers excellent value for money and that the current administration has been correct in continuing to support EVA at a level that is consistent with the approach adopted by our predecessors.

**Question 24: from Councillor Murphy to Councillor Bond, Cabinet Member for Environment**

Can the Cabinet Member for Environment update the Council on recent work by our Trading Standards Team?

**Reply from Councillor Bond**

Our Trading Standards have recently won the London Regional and National Stop Loan Shark award. The award by the England Illegal Money Lending Team was awarded in recognition of the tremendous work the team have been doing bringing together partners to raise awareness of the issue and help people affected by illegal money lenders find the help and support they need.

The team continue to investigate rogue traders who prey on our residents. In 2012/2013 Trading Standards estimate they saved residents £79,300 following direct interventions where rogue traders were involved. In a recent case as a result of direct intervention by our Trading Standards, £23,000 was returned to a 81 year old gentleman in Ponders End after he had been conned by a rogue trader who told him his home needed urgent repair work. This is now part of a wider investigation. Trading Standards continue to tackle fraud.

The team continue to ensure that products placed on the market are safe. Our Trading Standards led a London wide project to assess levels of compliance of cheap upholstered furniture. Across London there was a 67% failure rate of those items purchased. In Enfield of the test purchases made 100% failed. All are subject to formal proceedings. To date one prosecution resulted in a £3K fine and full costs were awarded. The team are currently undertaking a project in relation to skin lightening creams. Many of the products contain mercury and hydroquinone which are banned substances and should not be available in cosmetic products sold over the counter.

We continue to support legitimate businesses by targeting those individuals/traders who operate in the informal economy by selling counterfeit goods. Raids have been undertaken across and Borough for the seizure of counterfeit goods. This has included branded trainers; beauty products and

various accessories (handbags; jewellery), all of which are under investigation. On Friday 27<sup>th</sup> September we start a Crown Court prosecution for an individual who is charged with several offences under the Trade Marks Act for the supply of various counterfeit branded products.

#### Other Cases:

More than £40,000 of counterfeit clothing seized by Trading Standards Team has been given to homeless charities. Tarek Namouz was sentenced at Wood Green Crown Court on Wednesday 24 July for selling fake Dior, Playboy, Chanel, Dolce and Gabbana, Gucci, Armani and Versace products from a shop in Edmonton Green on 6 August last year.

Namouz was ordered to do 150 hour unpaid work, given a 30 month prison sentence, suspended for two years and ordered to pay £1,000 costs

On 16 August 2013 Mr Stuart Scott was found guilty at Tottenham Magistrates Court for possession for supply pornographic non-classified DVDS and infringing copies of DVDS at Kingsmead Car Boot in July 2012. Mr Scott pleaded guilty at Tottenham Mags and was sentenced to 60 hours unpaid work under a community order lasting 6 months.

Trading Standards successfully prosecuted Mr Khaleed Aziz who pleaded guilty to 9 rolled up charges in relation to counterfeit goods, sampled from 1176 items found on his seized van. He was also charged with perverting the course of justice as he had removed the evidence from the lock up. Mr Aziz received a 3 month suspended sentence for perverting and 100 hours community service for the TM offences.

Following successful conviction Trading Standards are utilising powers under the Proceeds of Crime Act to seek confiscation and compensation from the financial gains made by such illegal activities.

#### Since April 2012

Total Confiscation Orders Granted	= 9
<b>Total Benefit Value</b> (Value of Criminality)	= £1,938,000.00
Total Amount to be Paid (Based on Available Assets)	= £716,388.00
Incentivisation Payments Received	= £24,000.00
Incentivisation Pending (Pending Appeals & Enforcement)	= £125,000.00
Compensation paid to Victims	= £55,000.00

### **Cases of Interest**

- £264K confiscation against importer of counterfeit products. Appeal pending.
- £50K confiscation against car clocker. Compensation paid to victims.
- £100K confiscation against illegal money lender
- Rogue trader case where £20K recovered for victim as result of restraint order.
- £52.5K confiscation from breaches of planning offences relating to restaurant business.

### **Question 25: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Would the Cabinet Member for Environment explain what actions his department will be taking to make sure that that it is clearly stated at Palace Gardens Car Park that Blue Badge holders will not be entitled to free parking when the new payment system is implemented?

### **Reply from Councilor Bond**

As the Conservative Group failed to support Enfield Town traders by introducing 'pay on foot' facilities this Labour run Council will be investing £130,000 to right this wrong.

Palace Gardens Multi-Storey Car Park will now have an entire floor dedicated to Blue Badge Holders to park for free on the lowest car park level when the new payment system is implemented. This will be more convenient and accessible to disabled motorists as at present Blue Badge bays are located across all floors in the car park.

### **Question 26: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

The Palace Gardens Car Park allows direct access via the lifts into the Palace Gardens Shopping Centre for blue badge holders. Does the Cabinet Member for the Environment agree that the potential removal of free parking for Blue Badge Holders in Palace Gardens Car Park provides a barrier to them visiting Enfield Town?

### **Reply from Councilor Bond**

Please refer to the response in Question 25 above.

**Question 27: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Please could the Cabinet Member for the Environment explain how the proposed removal of free parking for Blue Badge Holders in Palace Gardens Car Park adheres to the Council priority of building stronger communities?

**Reply from Councillor Bond**

Please refer to the response in Question 25 above.

**Question 28: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

When reaching the decision to implement a new parking payment system in Palace Gardens Car Park that would result in the loss of free parking for Blue Badge Holders did you consult with Enfield Disability Action?

**Reply from Councillor Bond**

Please refer to the response in Question 25 above.

**Question 29: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

The Town Show is an excellent opportunity for resident/client engagement. Please could the Cabinet Member for Environment explain why the Environment Department the most client facing department within the Council was not represented at the Town Show when less public facing ones were?

**Reply from Councillor Bond**

The Environment Department recognises the excellent opportunity the Town Show presents to engage with our customers. For this reason, on each day, four representatives from the Environment Department were promoting channel shift at the Town Show. Representatives had tablet devices to demonstrate the Council's web pages (and, in particular, functions relating to Environment), in addition to corporate leaflets promoting the Council's website. Representatives, wearing green t-shirts displaying the Council's website and the slogan "I do it online, do you?", were proactively approaching customers across the site to encourage customers to use the website's full functionality whilst on the move.

The Environment Department also had a stand to promote cycling, where 500 customers participated in the "make a smoothie" cycle challenge and ran a "try cycling experience" in the tennis courts, in which over 1000 customers participated.



**Question 30: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Given the fact that a Council contractor messed up a recent driveway crossover programme, could the Cabinet Member for Environment inform the chamber what his department has done to make sure that the mistakes made will never occur anywhere else in the borough?

**Reply from Councillor Bond**

I assume that the work that Councillor Laban is referring to is the scheme at Carnarvon Avenue which was primarily a carriageway re-surfacing scheme. As part of the carriageway work, it was necessary to raise the kerbs, which in turn prevented many residents from driving across the grass verges as they had done prior to the scheme in order to park their cars in their front gardens - which of course is illegal and causes unsightly damage and expense to this Council. This problem was made worse by the narrow road which is heavily parked up.

As soon as Officers became aware of this problem, residents were invited to have their crossovers widened at a discounted cost that is normally only given when the Council undertakes footway renewal work. (The construction of a vehicular crossover not only involves lowering the kerb but also strengthening the footway in that location.)

For several years, the Council has adopted a process of writing to residents several months in advance of a footway renewal scheme to offer them an opportunity to apply for a crossover or to extend an existing crossover at a discounted rate. In future, where it is necessary to adjust the kerbs as part of a carriageway resurfacing scheme, the effects on residents' vehicular access will also be assessed and residents will be invited to apply to have their crossovers widened in accordance with the process for a footway scheme. The Council will no longer extend crossovers in concrete, but instead, will use asphalt to ensure that the crossover appears as a whole new crossover. Blocks will continue to be used on crossover ramps within paving slab areas.

**Question 31: from Councillor Laban to Councillor Charalambous, Cabinet Member for Culture, Leisure, Youth and Localism**

Please could the Cabinet Member for Leisure and Culture inform the chamber whether or not there was an increase in the visitor numbers to the Town Show this year?

**Reply from Councillor Charalambous**

The numbers of people who attended the Autumn Show Town Show this year was 13,861. As a comparator the table below illustrates the attendance for the last few years.

<b>Attendance</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Total attendance	12,453	12,649	13,861

We are delighted that an extra 1200 people enjoyed the Autumn Show this year even with the unsettled weather.

Thanks should go to those that organised the show this year, infrastructure was delivered by Continental Drifts with programming and creative input from the Enfield Festivals Group, a partnership of many creative, musical and 3<sup>rd</sup> sector organisation who are based in Enfield.

**Question 32: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

The six out of the seven member boroughs of the North London Waste Authority are Labour controlled. Does the Cabinet Member for Environment not agree that it is a Labour dominated Authority?

**Reply from Councillor Bond**

Since 2010 the NLWA has been a Labour dominated Authority. I do however note that the recently aborted procurement strategy was set in 2008 when the Conservatives ran the Council and sat on the NLWA. The Labour dominated Authority's decision to not pursue the procurement may have saved North London £900 million over 30 years.

**Question 33: from Councillor Laban to Councillor Goddard, Cabinet Member for Business and Regeneration**

Please could the Cabinet Member for Regeneration inform the chamber why it took two years for his department to conduct feasibility studies for the GLA supported Market Gardening Projects?

**Reply from Councillor Goddard**

The Marketing Gardening Grant agreement was signed in August 2013. It followed close collaboration with the GLA in the finalisations of the scope.

Following the initial concept put forward in a proposal to the Mayor's Regeneration Fund in November 2011, further research and feasibility work was commissioned between January and December 2012. There are many complex factors that need to be considered in reintroducing market gardening to the Borough, involving land studies, market assessments, best practice and the potential for technological innovation. In addition to external advice, the

Council established a partnership with Capel Manor College, which has enabled some early quick wins, which included development of a box scheme alongside bespoke agricultural training. As the project has developed in partnership, knowledge gained has enabled the scope of the project to be more precisely focused.

**Question 34: from Councillor Laban to Councillor Goddard, Cabinet Member for Business and Regeneration**

Please could the Cabinet Member for Regeneration explain how the market gardening project has changed since the original submission to the GLA in 2011?

**Reply from Councillor Goddard**

The original bid proposal submitted November 2011 included a significant employment outcome with the sole focus on potential for large scale growing opportunities.

The initial feasibility and research indicated that the original proposal submitted to the GLA in November of 2011 would not sufficiently address LBE's requirement in relation to job creation. The original concept was to create large scale operations, such as tomato growing with a focus on primeurs. Research undertaken suggested that we needed to take a more comprehensive and holistic approach, which would involve more people in growing, with a focus on a more diversified crop regime, and greater training and employment benefits, that achieves local labour supply and a greater range of jobs,

So, the revised project expanded to include:

- Large scale food production
  - This will maintain the original ambition of producing in Enfield on a significant scale, re-introducing commercial scale growing that once was a key industry in the borough.
- Community growing (Cooperative Growing)
  - This will involve a broad cross-section of the Enfield resident base in food growing. Outcomes include creating four new food growing projects set within the local community, providing training and community engagement, equipment, seeds and guidance for supplying locally grown food for themselves, local restaurants, markets and other routes into the market. This provides a means of increasing self-confidence, increasing skills in growing, life skills, and business as well providing a social network and way to contribute to the local economy.
- Centre of excellence
  - This addresses the need for developing new, innovative technologies for growing, which are energy efficient, highly productive and sustainable. There will be a series of small research studies to track the latest developments and establish

the most appropriate focus for a centre to train individuals and become a centre of growing excellence.

**Question 35: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

The interim planning performance speed of decisions, July 2001 to March 2013 statistics for Local Authorities were updated and published by DCLG on 16<sup>th</sup> September. The statistics show that between January and March 2013 the planning department had 11 major applications in the system but only managed to determine 3 within 13 weeks. Does the Cabinet Member for the Environment not agree that these statistics need to be improved?

**Reply from Councillor Bond**

Figures for the first quarter (Apr-Jun) show the number of "major" planning applications being determined within the 13 week period (excluding those covered by Planning Performance Agreements and extensions of time which do not count towards this indicator) is at 83.33%, exceeding the NI157 national performance indicator of 60% . With reference to performance between July 2011 and June 2013 which is a key criteria for "special" measures designation, this has risen to 43.55%

**Question 36: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

Please could the Cabinet Member for Environment inform the chamber how many residents have utilised the new household extension permitted development rights so far?

**Reply from Councillor Bond**

The Council has received a total of 93 prior approval applications.

**Question 37: from Councillor Laban to Councillor Bond, Cabinet Member for Environment**

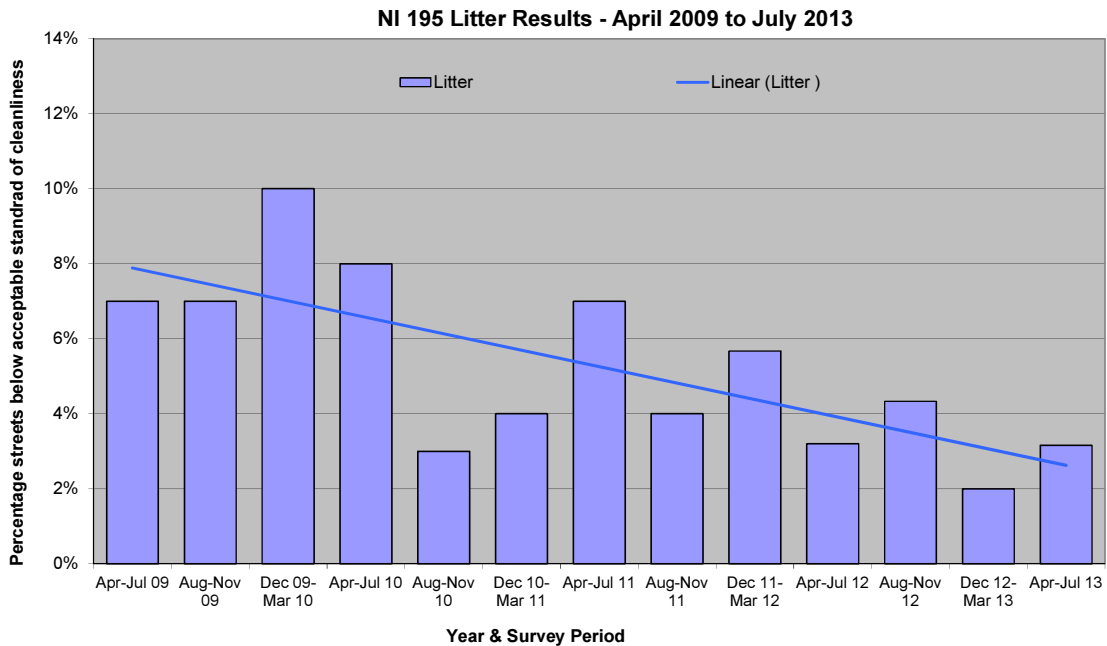
At the recent Sustainability and Living Environment Scrutiny Panel meeting panel members were informed that there are five roads in the borough that have an unacceptable level of litter and uncleanliness. Please could the Cabinet Member for the Environment inform the chamber which roads these are and the wards where they are located?

**Reply from Councillor Bond**

Street Cleansing is a priority for this administration. By April 2014 we will have invested £800k in modernising and increasing street cleansing mechanisation.

The latest additions will be seen on the streets of Southgate and Bowes next Spring.

The standard of street cleansing is measured in accordance with NI195. This extrapolates from survey data a percentage of streets that have unacceptable levels of litter. Lower figures are better. In 2012/13 the target figure was 5%. However the actual performance was 3.2%. The table below shows how standards have continuously improved in recent years.



Recent resident surveys also suggest that our efforts are paying dividends.

**Question 38: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

In his answer to my question numbered 5 at the Council meeting of 17<sup>th</sup> July concerning the rate of Council tax collection, he said that the Council had met its "ambitious target of reducing historic debts (over three years old) by 25%". Can he show the Council:

- a) The cash amount involved in that figure of 25%.
- b) How much cash was recovered.
- c) How much was written off.

**Reply from Councillor Stafford**

The overall Council tax arrears reduction target related to arrears as at the 31<sup>st</sup> March 2012. The Council achieved an arrears reduction of over 27% by the 31<sup>st</sup> March 2013 in respect of these debts by collecting £5,983k and writing off a

total of £3,713k. The arrears collection was the 4<sup>th</sup> highest in England and the highest in London. Over a third of the write off related to historic Council tax arrears over 9 years old.

**Question 39: from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property**

In answer to Q35 at the last Council concerning the cost of incremental pay increases within grades, Councillor Stafford confirmed the costs as in excess of £500k per annum or the equivalent of more than half a per cent on Council tax at Band D. He sought to justify this on the basis that there had been no NJC national pay award for the last three years.

Could he tell the Council:

- a) How many employees benefited from this sum
- b) Whether he still considers it fair that for many in the borough of Enfield who are contributing to these increases, there are no jobs at all, and for those that are in work, they too have also suffered from lower wages and indeed pay cuts as a result of the last Labour government's economic mismanagement and desire to spend far more money than the country was producing?

**Reply from Councillor Stafford**

- a) 656
- b) I do not accept that the last Labour Government's policies necessitated the current government's extreme austerity measures. There was a world economic disaster in 2008 and to try and blame this on the government of the UK is ridiculous. Almost as ridiculous as thinking the current government knew how to plan a recovery.