



LONDON BOROUGH OF ENFIELD

**AGENDA FOR THE COUNCIL MEETING
TO BE HELD ON THURSDAY, 6TH APRIL, 2017
AT 7.00 PM**

MEETINGS THAT HAVE TAKEN PLACE SINCE THE LAST COUNCIL (28 February 2017)

Set out below is a list of meetings that have taken place since the last Council meeting. The contact names for the relevant officers are included.

Name of Meeting	Date	Officer	Contact Telephone
Child Sexual Exploitation & Associated Risk to Children and Young People Task Group	1 March 2017	Clare Bryant	020 8379 5003
Member and Democratic Services Group	1 March 2017	Jane Creer	020 8379 4093
Overview and Scrutiny Committee	1 March 2017	Stacey Gilmour/Elaine Huckell	020 8379 4187/ 020 8379 3530
Chase Ward Forum	1 March 2017	Clare Bryant	020 8379 5003
Councillor Conduct Committee	2 March 2017	Penelope Williams	020 8379 4098
Property Services Scrutiny Workstream	2 March 2017	Andy Ellis	020 8379 4884
Jubilee Ward Forum	6 March 2017	Clare Bryant	020 8379 5003
Conservation Advisory Group	7 March 2017	Andy Higham	020 8379 3848
Audit and Risk Management Committee	7 March 2017	Metin Halil	020 8379 4091
Licensing Sub-Committee	8 March 2017	Metin Halil	020 8379 4091
Schools Forum	8 March 2017	Sangeeta Brown	020 8379 3109
Electoral Review Panel	8 March 2017	Clare Bryant	020 8379 5003
Town & Highlands Ward Forum	8 March 2017	Clare Bryant	020 8379 5003
Housing Board	14 March 2017	Elaine Huckell	020 8379 3530
Southgate Green Ward Forum	14 March 2017	Clare Bryant	020 8379 5003
Cabinet	15 March 2017	Jacqui Hurst	020 8379 4096
Shortlist – CEX Appointment Panel	16 March 2017	Jane Creer	020 8379 4093
Overview and Scrutiny Committee	21 March 2017	Stacey Gilmour/Elaine Huckell	020 8379 4187/ 020 8379 3530
Crime Scrutiny Standing Workstream	22 March 2017	Stacey Gilmour	020 8379 4187
Southgate Ward Forum	22 March 2017	Clare Bryant	020 8379 5003
Health Scrutiny Standing Workstream	22 March 2017	Elaine Huckell	020 8379 3530
Enfield 2017 Scrutiny Workstream	28 March 2017	Susan O'Connell	020 8379 6151

Planning Committee	28 March 2017	Metin Halil/Jane Creer	020 8379 4091/020 8379 4093
Licensing Sub-Committee	29 March 2017	Jane Creer	020 8379 4093
Enfield Community Support Fund Cabinet Sub Committee	29 March 2017	Jacqui Hurst	020 8379 4096
Final Interviews – CEX Appointment Panel	30 March 2017	Jane Creer	020 8379 4093
Local Pension Board	30 March 2017	Paul Reddaway	020 8379 4730
Green Belt Forum	30 March 2017	Stacey Gilmour	020 8379 4187
Deaf Community Forum	4 April 2017	Stacey Gilmour	020 8379 4187
Safer Neighbourhood Board	5 April 2017	Clare Bryant	020 8379 5003

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

**Please
Reply to:** Penelope Williams

Phone: (020) 8379 4098

Textphone: (020) 8379 4419

E-mail: Penelope.Williams@enfield.gov.uk

My Ref: DST/PW

Date: 29 March 2017

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 Thursday, 6th April, 2017 at 7.00 pm for the purpose of transacting the business set out below.

Yours sincerely

Armat Hussain

Assistant Director Legal & Corporate Governance

1. **ELECTION IF REQUIRED OF THE CHAIR/DEPUTY OF THE MEETING**
2. **THE MAYOR'S CHAPLAIN TO GIVE A BLESSING**
3. **MAYOR'S ANNOUNCEMENTS IN CONNECTION WITH THE ORDINARY BUSINESS OF THE COUNCIL**
4. **APOLOGIES**
5. **DECLARATION OF INTERESTS**

Members of the Council are invited to identify any disclosable pecuniary, other pecuniary or non-pecuniary interests relating to items on the agenda.

6. **MINUTES OF THE MEETING HELD ON 28 FEBRUARY 2017** (Pages 1 - 24)

To approve the minutes of the meeting held on 28 February 2017 as a correct record.

7. OPPOSITION BUSINESS - "THE COUNCIL'S LABOUR ADMINISTRATION ISN'T LISTENING" (Pages 25 - 30)

An issues paper prepared by the Opposition Group is attached for the consideration of Council.

The Council rules relating to Opposition Business are also attached for information.

8. APPOINTMENT OF CHIEF EXECUTIVE

To receive a report from the Assistant Director Human Resources setting out the recommendation from the Council's Appointment Panel for the appointment of the new Chief Executive.

TO FOLLOW
(Report No: 248)

Council is asked to note that Appointment Panel is due to undertake the final interviews for this position on Thursday 30th March 2017. The report has therefore been marked as "To Follow" pending the outcome of the recruitment process.

9. CHANGES TO COUNCIL CONSTITUTION (Pages 31 - 44)

To receive the report of the Executive Director Finance, Resources and Customer Services setting out changes to the Council Constitution following recommendation from the Members and Democratic Services Group (1 March 2017).

(Report No: 249)

Council is asked to approve the recommended changes.

10. MOTIONS

10.1 In the name of Councillor Alessandro Georgiou:

"The people of the United Kingdom have voted to leave the European Union. Therefore the Council resolves that the flag of the EU should be removed from the flag pole on the civic centre premises and replaced with the Union Flag of the United Kingdom of Great Britain and Northern Ireland."

10.2 In the name of Councillor Alessandro Georgiou:

"This Council resolves that the National Anthem of the United Kingdom of Great Britain and Northern Ireland should have time reserved to be sung during the beginning of each Full Council Meeting."

10.3 In the name of Councillor Terry Neville:

"Borough residents were once again exposed to an unnecessary and pointless 24 hour strike on the London Underground in January, including the Piccadilly Line locally, which brought chaos to our capital and put extra

pressure on other transport services. As with previous disputes this strike served only to inflict the maximum inconvenience and misery on hard working Londoners trying to get to and from their place of work.

The Council condemns the actions of the Transport Unions involved, and calls upon the Government to fully implement the relevant provisions of the Trade Union Act 2016 to further restrict the ability to take industrial action in the public transport sector.”

10.4 In the name of Councillor Ahmet Oyken:

“The White Paper helpfully returns to an emphasis on affordable housing of all tenures, both rented and affordable homeownership. The government does now accept that the housing market is “broken” and so in this regard we are disappointed that the Paper did not go further. Whilst the Paper recognises the great role that Local Authorities can play in meeting the serious housing demand challenge it could and should have gone further. In particular we continue to ask for the government to allow councils to borrow against our assets which is the one measure which will truly enable a renaissance in housing building. There are different ways to do this so what I propose is we work together, meet the Minister, and agree a new deal which is right for the people of Enfield”.

10.5 In the name of Councillor Terry Neville:

“The Council is aware that the management of the Cycle Enfield proposals post implementation has aroused considerable concerns amongst residents which have not been satisfactorily addressed, coupled with the failure to provide in this year’s capital budget (2017/18) adequate funding for highways maintenance, and other matters leads the Council to conclude that it has no confidence in Councillor Daniel Anderson as the Cabinet Member for the Environment.”

10.6 In the name of Councillor Joanne Laban:

“Enfield Council believes that air quality is an important issue in our borough. However the Mayor of London’s proposal to extend the Ultra-Low Emission Zone to the North Circular is not the solution that Enfield requires. Enfield Council agrees to seek a meeting with the Mayor to discuss his proposals and put forward alternative measures that will make a real difference to Enfield residents.”

10.7 In the name of Councillor Joanne Laban:

“The terrorist attack in Westminster on 22nd March 2017 was an attack on British democracy and our values. Enfield Council gives its upmost praise to our partners London’s Emergency Services for their professionalism on the day and continued work to keep London safe. Enfield Council stands united with the Prime Minister and Opposition Party leaders in defiance against terrorism and those who seek to destroy our way of life.”

10.8 In the name of Councillor Alessandro Georgiou:

“This Council agrees that Enfield's Schools should receive fair funding from central Government compared to every other school in the U.K.

The Council therefore calls upon the Cabinet and Shadow Cabinet Members for Education, Children's Services and Protection to sign a joint letter to the Secretary of State for Education highlighting that Enfield Schools deserve fair funding.”

10.9 In the name of Councillor Yasmin Brett:

“The cut to Housing Benefit for 18 to 21 year olds in Enfield is one cut too many by this Government. The young have been attacked on many fronts.

This Council urges the Secretary of State for the Department of Work and Pensions, the Rt Hon. Damien Green, to withdraw this cut as soon as possible.”

10.10 In the name of Councillor Ayfer Orhan:

“The Government has embarked on a schools funding formulae which if implemented will mean a real terms funding cut of £3 billion a year by 2020. In Enfield, schools will lose £28,839,090 by 2020 coming on the back of £3 million already deleted for schools improvements and government cuts to SEND funding.

The Government should recognise the strength of public feeling as parents, local Authorities and MPs up and down the country have expressed their concerns about the consequences of the funding gap in their schools.

Given the loss in funding to schools across the country, and specifically in Enfield, this Council calls upon the Government to listen to the demands of Enfield's schools, teachers and parents, to rethink its position and provide fair funding for all schools in the borough.”

11. COUNCILLOR QUESTION TIME

12.1 Urgent Questions (Part 4 - Paragraph 10.2.(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.

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

The list of 35 questions and the responses will be published, in accordance with the Council procedure rules, on Wednesday 5 April 2017, the day before the Council meeting.

12. COMMITTEE MEMBERSHIP

To confirm any changes to the committee memberships.

Please note no changes have been notified to date. Any received once the agenda has been published will be tabled on the Council update sheet at the meeting.

13. NOMINATIONS TO OUTSIDE BODIES

To confirm any changes notified to the nominations on outside bodies.

Please note no changes have been notified to date. Any received once the agenda has been published will be tabled on the Council update sheet at the meeting.

14. CALLED IN DECISIONS

None received.

15. DATE OF NEXT MEETING

To note that the next meeting of the Council will be Annual Council and will be held on Wednesday 10 May 2017 at 7pm at the Civic Centre.

16. EXCLUSION OF 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 any items of business moved to the part 2 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) as listed on the agenda.

Please note that there is currently no Part 2 agenda.

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**MINUTES OF THE MEETING OF THE COUNCIL
HELD ON TUESDAY, 28 FEBRUARY 2017****COUNCILLORS****PRESENT**

Bernadette Lappage (Mayor), Christine Hamilton (Deputy Mayor), Abdul Abdullahi, Daniel Anderson, Ali Bakir, Yasemin Brett, Alev Cazimoglu, Nesil Cazimoglu, Erin Celebi, Lee Chamberlain, Bambos Charalambous, Jason Charalambous, Katherine Chibah, Lee David-Sanders, Dogan Delman, Nick Dines, Guney Dogan, Sarah Doyle, Christiana During, Patricia Ekechi, Nesimi Erbil, Turgut Esendagli, Peter Fallart, Krystle Fonyonga, Achilleas Georgiou, Alessandro Georgiou, Ahmet Hasan, Elaine Hayward, Robert Hayward, Ertan Hurer, Suna Hurman, Jansev Jemal, Doris Jiagge, Eric Jukes, Nneka Keazor, Adeline Kepez, Joanne Laban, Michael Lavender, Dino Lemonides, Derek Levy, Mary Maguire, Donald McGowan, Andy Milne, Terence Neville OBE JP, Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Daniel Pearce, Vicki Pite, Michael Rye OBE, George Savva MBE, Toby Simon, Alan Sitkin, Edward Smith, Andrew Stafford, Jim Steven, Claire Stewart, Haydar Ulus and Glynis Vince

ABSENT

Dinah Barry, Chris Bond and Ozzie Uzoanya

1**ELECTION IF REQUIRED OF THE CHAIR/DEPUTY CHAIR OF THE MEETING**

Not required.

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

The Mayor's Chaplain, Hazel Miall, from Christ Church, Southgate, gave the blessing.

3**MAYOR'S ANNOUNCEMENTS IN CONNECTION WITH THE ORDINARY BUSINESS OF THE COUNCIL**

The Mayor made the following announcements:

February had been a busy month for the mayoral team, and the Mayor began by thanking the officers, her consorts, the deputy mayor and her consort for their support and the people of Enfield for their wonderful invitations.

1. Past Engagements

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- 1.1 Commemoration of Holocaust Memorial Day – led ably by Councillor Levy with wonderful musical performances. The Mayor said that no-one could help but be moved as they remembered those who had died in the Holocaust.
- 1.2 Presentations:
 - Supporting local schools who had taken part in poetry and public speaking competitions.
 - Presenting awards to girl guides at the Millfield Theatre as part of the Jack Petchey award scheme.
 - Awarding medals and prizes at the Dugdale Centre to those who had taken part in the Christmas Parade of Lights on 27 November 2016, bringing Christmas to the borough.
- 1.3 Kurdish Community Breakfast and Mosque Open Days – The Mayor reported that she had attended the Mevlana Rumi Mosque and the Almasjid Trust Mosque with Councillors Georgiou, Sitkin, Ekechi and Jagge.
- 1.4 Dinner with the Sisters of the Holy Family Convent in London Road: an evening learning about the sacrifices that the founder sisters had made in Poland to save the lives of the men of the town where they had settled. This was an astonishing story with particular relevance to the upcoming International Women’s Day on 8 March 2017.
- 1.5 Chickenshed Theatre Fundraiser – a wonderful evening showcasing outstanding Enfield talent. All had loved the performance of her son, in particular.
- 1.6 Opening of the New Lidl supermarket in the Hertford Road – a lovely morning.
- 1.7 Attending the Islam Exhibition at the Enfield Mosque in Ponders End. The Mayor thanked the imams for their welcome.

2. Enfield Sounds Great Charity

Future fundraising projects included St Patrick’s Eve Celebrations (16 March 2017) and the Mayor’s Spring Ball at the Royal Chase Hotel on 25 March 2017. All were invited. There was to be wonderful live music as well as a surprise live performance. One of the tables would be sponsored by local businesses and would be occupied by a mixture of guests from the Metropolitan Police, Fire Service, NHS, local volunteers and veterans.

Tickets for the ball are on sale through the Mayor’s Office.

3. International Women’s Day

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There will be a major event at the Millfield Theatre, organised by the Mayor, Councillor Brett and Councillor Doyle as well as other events through the day including in the evening a film on the suffragettes at the Fox Pub in Palmers Green.

Enfield Town Football club would be supporting the “Women at the Game Initiative”, on the following weekend (Saturday 4 March 2017) offering free entry to women and girls – an initiative to encourage women to go to a football match.

4. WASPI (Women Against State Pension Inequality)

The Mayor paid tribute to all the women involved in the WASPI Campaign, the solidarity shown to each other in Enfield and to the Leader of the Council for his part in lobbying the Government on this issue.

The Mayor also paid tribute to all the female politicians in Enfield reminding everyone that it was not until 1928 that women were fully granted equal voting rights. She also welcomed the appointment of Cressida Dick, recently appointed the first female Commissioner of Scotland Yard.

The Mayor quoted Emmeline Pankhurst “We are not here because we are law breakers; we are here in our effort to become law makers.”

5. Award to Charlotte Culling

The Mayor congratulated Charlotte Culling, a young apprentice working in the walled garden at Forty Hall, and invited her to the front of the chamber to receive an award. Charlotte had been so hardworking and conscientious and had shown such a passion for gardening that the Friends of Forty Hall Park had decided to give her one of their few awards.

6. Death of Former Councillors Terry Smith and Ian McCann, and Freeman of the Borough Sam Bell

Councillor Taylor said a few words in memory of Sam Bell who had been awarded Freeman of the Borough in 2003. Sam had been a gentle and welcoming man who had dedicated much time to Enfield Racial Equality Council as well as other causes and also served as a governor of Capel Manor College. He had made a huge contribution to racial equality and would be sorely missed.

Councillor Neville said a few words in memory of Terry Smith who had served on the Council for two terms. He had been, whilst outspoken at times, a dedicated, hardworking councillor who had served on various committees. When the party had been in control, he had never hesitated to say what he felt it necessary. He sadly passed away quite quickly. The funeral will be held on the 9 March 2017.

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Councillor Rye said a few words in memory of Councillor Ian McCann. Councillor Ian McCann had been a good, staunchly loyal ward councillor who had worked together well with former Councillor Yates in Chase Ward. He had moved away from Enfield some time ago, but had continued to serve as a councillor in the Midlands. He will be sadly missed.

A minutes silence was held in their honour.

4

MINUTES OF THE MEETING HELD ON 25 JANUARY 2017

The minutes of the meeting held on 25 January 2017 were agreed as a correct record.

5

APOLOGIES

Apologies for absence were received from Councillors Barry and Bond and from Councillor Lavender for lateness.

6

DECLARATION OF INTERESTS

Before inviting members to declare any interests, the Mayor asked Asmat Hussain (Assistant Director Legal and Governance) to make a short statement regarding the declaration of interests' requirements in relation to agenda item 6 Budget Report 2017/18 and Medium Term Financial Plan.

Council noted:

1. Under guidance issued by the Department of Communities and Local Government members would not be required to declare a Disclosable Pecuniary Interest (DPA) in relation to the budget or setting of the Council Tax. This was on the basis that Council Tax liability would apply to the borough's population as a whole, with councillors not having any unique position in that regard. The requirements within Section 106 of the Local Government Finance Act 1992 would, however, still apply, which required any Member who was two or more months in arrears on their Council Tax to declare their position and not vote on any issue that could affect the calculation of the budget or Council Tax. No declarations in this respect were made at the meeting.
2. The Councillor Conduct Committee (May 2013) had also granted a dispensation for all members in terms of the declaration of Disclosable Pecuniary Interests relating to the setting of housing rents.

Subject to the requirements within Section 106 of the Local Government Finance Act 1992, this would allow all members to participate in the debate and vote on decisions relating to the setting of the Council Tax and Housing Rents.

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Having noted the advice provided, the following declaration of interests were made at the meeting:

- Councillors Stewart and Maguire declared disclosable pecuniary interests in item 8 on account of their employment by Unison.
- Councillor Laban declared a non-pecuniary interest in item 6 as she was employed by the Greater London Authority.

7

BUDGET REPORT 2017/18 AND MEDIUM TERM FINANCIAL PLAN 2017/18 TO 2020/21

Councillor Taylor moved and Councillor Lemonides seconded the report of the Executive Director of Finance, Resources and Customer Services (171A) presenting for approval the Budget for 2017/18 and the Medium Term Financial Plan.

NOTED

1. Recommendations 2.1 – 2.12 had been endorsed and recommended onto Council for formal approval by Cabinet on 8 February 2017.
2. The revised Appendix 10 to the report as tabled at the meeting.
3. The report would need to be considered in conjunction with Report No: 204A on the Part 2 Council agenda (Min ??? refers).
4. The following comments highlighted by the Leader of the Council:
 - a. He could not excuse the way that the Government, since 2010, had systematically reduced the support to public services. Local Government was the bedrock of public provision from cradle to grave and had served this country well.
 - b. The current Government was cutting so hard and so deep that he felt that the fabric of local provision was on the brink of collapse.
 - c. Budgets should be about improving services but local government was being defined by Conservative financial mismanagement and continuing austerity policies. It was now 10 years since the financial crash and things ought to be improving. Instead Government deficits are increasing and services being cut.
 - d. Local Authorities were being instructed that they must find the extra money for social care but this will mean further cuts, dirtier streets, less public provision, riskier child protection and closure of voluntary sector initiatives.

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- e. The Conservatives' ideological desire to shrink the state and hand over services to a marketised, privatised and unaccountable system, making services uncompetitive, under-resourced and overburdened is overriding the needs of ordinary people.
 - f. Despite the difficult times he felt that there have been achievements to celebrate including the Meridian Water proposals, new housing opportunities, the provision of social care and children's services to thousands of people, improvements to schools, keeping parks and playgrounds open and the streets clean.
 - g. This has been achieved through sound financial management and despite the lack of fair funding for Enfield. If the Council had the same level of funding as Westminster we would have an extra £86m.
 - h. The administration were resolved to manage the authorities money carefully and would take tough action on the overspend. Many other London boroughs were also struggling to maintain spending within budgets.
 - i. Enfield was good at collecting council taxes increasing the collection rate and reducing arrears by 2.1m.
 - j. Having set a zero increase Council tax for 7 years it was with reluctance that he was proposing at 1.99% increase plus 3% social care precept which would add £1.10 per week to the average band D property. In contrast Government cuts since 2010 equate to £710 per household.
 - k. To meet adult social care pressures the council needed an extra £8.6m for social care and an extra £2.5m for Children's Services. To note that the Leader of Surrey County Council had been looking for a 15% increase in Council Tax to help pay for social care.
 - l. Enfield had taken tough decisions to keep the impact on the residents as low as possible. They had borrowed to invest and improve Enfield for housing and jobs, improving the quality of life while the Government have borrowed to fund austerity.
 - m. The Leader recommended the budget to Council and looked forward to a costed alternative from the opposition.
5. The comments of the Majority Group:
- a. Thanks to Council officers for their support and efforts in delivery of the budget proposals alongside the key achievements made by the current administration as highlighted by individual Cabinet Members.
 - b. To acknowledge that if Enfield had been funded fairly and received the same funding as Westminster, they would have had £86m more per year to spend on council services.

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- c. To acknowledge the huge reductions in health care funding which was felt to be a national crisis: Enfield had received that second largest percentage reduction of any council in England. Enfield health and social care services were in need of significant and sustained investment. This was a time of unprecedented demand on all the health and social care services not forgetting people with learning disabilities.
- d. To acknowledge the challenges presented by the unprecedented cuts to the services to children, young people and schools despite historical underfunding which the department were working well to address: in 2016/17, 97% of schools had been judged good or better. Next year would be even more difficult for education as a result of the £3m cut in the direct schools grant.
- e. Pride in the record on housing and innovative alternatives being developed to fund housing needs. The provision of new housing on the small sites and the new properties being built on the Alma Estate. A start on the 16,000 new homes planned. To acknowledge the £1.5 a year savings being made by Housing Gateway in providing homes for the homeless: over 400 new properties had been bought.
- f. The value of work of local government in supporting local people, delivering good services and bringing communities together and the failure of the Opposition to lobby for more money for Enfield and support for Government cuts.
- g. To recognise the improving investment in the cultural portfolio and the importance of the voluntary sector in meeting the increasing needs of vulnerable people, despite significant government cuts and systematic underfunding.
- h. To acknowledge the need to focus on Government cuts to the public health budget and to continue to fight to receive the funding that the services deserved, to tackle growing public health problems such as smoking, obesity and drug and alcohol addiction. To acknowledge that Enfield received less than half the funding of other areas: the London Borough of Kensington and Chelsea received £130 per head for public health, compared to Enfield's £40. To be able to continue with the excellent public safety work carried out in association with the Police on gangs and domestic abuse.
- i. Innovative regeneration policies in Enfield had resulted in an increase in the employment rate which was now above the national average. The desire to do more to help the high street and continue with projects such as Jobsnet which were under threat as a result of proposals to close the Job Centre Plus in Edmonton.
- j. In response to the comment made about the lack of funding for highway improvements to point out that money or highway improvements was

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shown in the indicative budget. To make members aware of achievements in environmental services: that there had been improvements in recycling rates at Barrowell Green, provision of new play facilities, 500 new trees planted, sustainable urban drainage systems piloted, Enfield had been judged best in London for parking and the Cycle Enfield Programme.

6. The following issues highlighted by the Opposition Group:
 - a. The opposition to the budget as a whole and the assertion that they could not support the proposed 1.99% general increase in Council Tax but would support the 3% increase for Adult Social Care.
 - b. The concern about what they saw as the poor record of the Labour administration's financial management of the Council and incompetence in the delivery of services: including shortcomings in housing, poor treatment of tenants and their representatives, ignoring residents' objections to policies such as Cycle Enfield, difficulties in communication, failure to plan ahead and their irresponsible borrowing programme.
 - c. To recognise that it was not the role of the Opposition to put forward an alternative budget. Instead principles would be put forward which should have guided decision making. A key concern was the failure to take seriously the reductions in the Revenue Support Grant signalled early by the Coalition Chancellor of the Exchequer in 2010. To acknowledge that the administration should have tackled the overspend earlier in the year when it first became apparent.
 - d. To recognise that the budget increase would have been less if there had not been a £6.2m overspend, due to a failure to control budgets, and if the new Labour Mayor of London, Sadiq Khan, had not imposed an increase in the GLA precept.
 - e. To acknowledge that the administration could not continue to blame the Government for the financial situation and that the authority should take responsibility for their own financial decision making live within their means. Other Councils had suffered from similar funding cuts and had found innovative ways of delivering services including sharing services to save money.
 - f. To acknowledge failures, incompetence and mismanagement including the failure to collect revenue which could have prevented the proposed cuts to parks expenditure, welcoming the proposal to remove the funding for the Market Gardening Initiative, the failures in the introduction of the new call centre, the three failed procurements at Elizabeth House and delay in opening the new care home resulting in a loss in prospective revenue.

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- g. The need to acknowledge the huge increase in borrowing which had more than doubled since 2010. The community based investment was unchartered water for which the Council had little experience, the lack of provision of dilapidated highways and the view that the Council was not taking forward the things that needed to be done.
 - h. To be aware of the feeling of discrimination felt by and the impact of the cuts on parents and carers of young people with Special Educational Needs including cuts in Special Educational Needs transport, support packages for vulnerable young people leaving care, and those with special guardianship orders who do not receive the same support as main stream foster carers.
 - i. While acknowledging reductions in Government funding for revenue and support for the London Living Wage, there was dismay at the loss of experienced staff and the reduction of staff numbers by 17%, the money spent on agency staff, the pay card payments to gift websites, posting pay slips, the lack of joined up thinking in for example posting out letters at the same time as hand delivering electoral registration information.
 - j. Concern about the huge capital commitments on Meridian Water, Estate renewal and Housing Gateway. About the high expenditure and what was seen as incompetence in the housing area, in the relatively few new homes built so far, the large numbers of unlet garages which represented a loss of income and which could have been replaced with new housing.
 - k. To acknowledge that Government funding for education had been maintained with an increase in the direct schools grant, more funds for early years, help for working parents and for those with high needs and concern about ENSEN (the company set up to provide services to schools).
- 7. Councillor Taylor's summing up, lamenting the failure of the Opposition to produce an alternative budget and commending the budget to Councillors as the best protection for local residents.
 - 8. The Mayor's refusal to accept the amendment proposed by Councillor Alessandro Georgiou due to time constraints.
 - 9. During the debate Councillor A Georgiou proposed and Councillor Stewart seconded a proposal to extend the time available for the budget debate by 10 minutes. This was agreed.

Following the debate, the recommendations in the report were put to the vote and approved with the following results.

AGREED

- 1. With regard to the revenue budget for 2017/18:

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- a. To set the Council Tax Requirement for Enfield at £114.169m in 2017/18
 - b. To set the Council Tax at Band D for Enfield's services for 2017/18 at £1,201.23 (paragraph 8.1), (b1) being a 1.99% general Council Tax increase and (b2) 3.00% Adult Social Care Precept.
 - c. To approve the statutory calculations and resolutions set out in Appendix 10.
- 2 With regard to the Prudential Code and the Capital Programme:
- a. To note the information regarding the requirements of the Prudential Code (as detailed in section 9 of the report
 - b. To agree the Approved Capital Programme for 2016/17 to 2020/21 as set out in section 9 (and Appendix 9).
 - c. To note the Indicative Capital Programme and to agree that these indicative programmes be reviewed in the light of circumstances at the time
 - d. To agrees the Prudential Indicators, the Treasury Management Strategy, the Minimum Revenue Provision policy and the criteria for investments set out in section 9 of the report and Appendices 4 & 5.
3. To agree the Medium Term Financial Plan, including the savings proposals set out in Appendix 2, and adopts the key principles set out in paragraph 10.9 of the report .
4. With regard to the robustness of the 2017/18 budget and the adequacy of the Council's earmarked reserves and balances:
- a. To note the risks and uncertainties inherent in the 2017/18 budget and the Medium Term Financial Plan (sections 10 & 11) and agrees the actions in hand to mitigate them.
 - b. To note the advice of the Executive Director of Finance, Resources & Customer Services regarding the recommended levels of contingencies, balances and earmarked reserves (section 12 of the report) and has regard to the comments of the Executive Director (section 13 of the report) when making final decisions on the 2017/18 budget.
 - c. To agree the recommended levels of central contingency and general balances (section 12 of the report).
5. To agree the Schools Budget for 2017/18 (Section 5.11 and Appendix 13).
6. To agree the Fees and Charges for Environmental Services for 2017/18 (Section 10.12 and Appendix 12 to the report)
7. To agrees the Fees and Charges for Adult Social Care Services for 2017/18 (Sec. 10.13 and Appendix 11), subject to consultation.

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8. That the New Homes Bonus is applied as a one-off contribution to the General Fund in 2017/18.
9. To agree the adoption of the new flexible use of capital receipts as announced by the Department for Communities and Local Government for 2016/17 to 2019/20 and the proposed use of new capital receipts in 2016/17 and 2017/18 (Appendix 14). To note that, in using this flexibility, £2m of capital receipts have been used as one-off funding in 2017/18 in order to balance the budget, highlighting the need for fair funding settlements in the future.
10. To note that the Council signed up to the Government's four-year funding offer during 2016/17 and published an efficiency plan (Appendix 15 to the report). As such, it is not expected that the future years' Government funding figures shown in this report will change.
11. To note the feedback and minutes from the Budget Consultation and Overview and Scrutiny Committee Budget Meeting on 19 January 2017 as set out in Appendix 1 to the report.

In accordance with standing order regulations 2014 the vote was recorded in relation to the decisions in (1b2, 5, 7, 8, 10 and 11)

For: 56

Councillor Abdul Abdullahi
Councillor Daniel Anderson
Councillor Yasemin Brett
Councillor Alev Cazimoglu
Councillor Nesil Cazimoglu
Councillor Erin Celebi
Councillor Lee Chamberlain
Councillor Bambos Charalambous
Councillor Jason Charalambous
Councillor Katherine Chibah
Councillor Lee David-Sanders
Councillor Dogan Delman
Councillor Nick Dines
Councillor Guney Dogan
Councillor Christiana During
Councillor Pat Ekechi
Councillor Turgut Esendagli
Councillor Peter Fallart
Councillor Krystle Fonyonga
Councillor Achilleas Georgiou
Councillor Alessandro Georgiou
Councillor Christine Hamilton
Councillor Ahmet Hasan

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Councillor Elaine Hayward
Councillor Robert Hayward
Councillor Ertan Hurer
Councillor Suna Hurman
Councillor Jansev Jemal
Councillor Doris Jiagge
Councillor Eric Jukes
Councillor Nneka Keazor
Councillor Adeline Kepez
Councillor Joanne Laban
Councillor Michael Lavender
Councillor Dino Lemonides
Councillor Derek Levy
Councillor Mary Maguire
Councillor Don McGowan
Councillor Andy Milne
Councillor Terence Neville
Councillor Ayfer Orhan
Councillor Ahmet Oykener
Councillor Anne Marie Pearce
Councillor Daniel Pearce
Councillor Vicki Pite
Councillor Michael Rye
Councillor George Savva
Councillor Toby Simon
Councillor Alan Sitkin
Councillor Edward Smith
Councillor Andrew Stafford
Councillor Claire Stewart
Councillor Jim Steven
Councillor Doug Taylor
Councillor Haydar Ulus
Councillor Glynis Vince

Against: 0

Abstentions: 0

The vote recorded in regard to recommendations 1 a, b1, c, 2, 3, 4, 6, and 9 was as follows:

For: 34

Councillor Abdul Abdullahi
Councillor Daniel Anderson
Councillor Yasemin Brett
Councillor Alev Cazimoglu
Councillor Nesil Cazimoglu
Councillor Bambos Charalambous
Councillor Katherine Chibah
Councillor Guney Dogan

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Councillor Christiana During
Councillor Pat Ekechi
Councillor Turgut Esendagli
Councillor Krystle Fonyonga
Councillor Achilleas Georgiou
Councillor Christine Hamilton
Councillor Ahmet Hasan
Councillor Suna Hurman
Councillor Jansev Jemal
Councillor Doris Jiage
Councillor Nneka Keazor
Councillor Adeline Kepez
Councillor Dino Lemonides
Councillor Derek Levy
Councillor Mary Maguire
Councillor Don McGowan
Councillor Ayfer Orhan
Councillor Ahmet Oykenen
Councillor Vicki Pite
Councillor George Savva
Councillor Toby Simon
Councillor Alan Sitkin
Councillor Andrew Stafford
Councillor Claire Stewart
Councillor Doug Taylor
Councillor Haydar Ulus

Against: 22

Councillor Erin Celebi
Councillor Lee Chamberlain
Councillor Jason Charalambous
Councillor Lee David-Sanders
Councillor Dogan Delman
Councillor Nick Dines
Councillor Peter Fallart
Councillor Alessandro Georgiou
Councillor Elaine Hayward
Councillor Robert Hayward
Councillor Ertan Hurer
Councillor Eric Jukes
Councillor Joanne Laban
Councillor Michael Lavender
Councillor Andy Milne
Councillor Terence Neville
Councillor Anne Marie Pearce
Councillor Daniel Pearce
Councillor Michael Rye
Councillor Edward Smith
Councillor Jim Steven

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Councillor Glynis Vince

Abstentions: 0

Councillor Joanne Laban declared a non-pecuniary interest in this item in relation to her employment at the GLA.

8

HOUSING REVENUE ACCOUNT (HRA) 30 YEAR BUSINESS PLAN, BUDGET 2017/18, RENT SETTING AND SERVICE CHARGES

Councillor Ahmet Oykenner proposed and Councillor Pite seconded the report of the Executive Director of Finance, Resources and Customer Services and the Executive Director of Regeneration and Environment presenting for approval the revenue estimates of the Housing Revenue Account (HRA) for 2017/18 and the updated position on the HRA 30 year business plan. (Report No: 195)

NOTED

1. That the recommendations in the report had been endorsed and approved for recommendation onto Council by Cabinet on 8 February 2017.
2. The plan had been written at a time when resources were tightly constrained and there was much uncertainty about Government housing policy, including proposals about the enforced sale of high value voids.
3. Thanks to the officers who had worked so hard on the housing revenue account and producing the plan, making their way through the complexities of changing legislation.
4. The one percent reduction in Council house rents, while good for tenants, had caused problems for the Council who were to receive millions less in housing income. Increases in service charges had been discussed with the Customer Voice who had welcomed the better services. Gas charges would stay the same or reduce but electricity costs were due to increase by 16% as a result of Brexit.
5. Capital funding of £234.8m had been set aside for major works and estate renewal schemes.
6. Concerns about the many vulnerable people for whom housing was an issue and praise for the work being done to provide more housing despite constraints.
7. Concerns of the Opposition in relation to:

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- a. Whilst supporting the rises in gas and electricity which were due to market volatility, concern in relation to the 8% increase in service charges.
 - b. The 5 year capital programme in the light of lack of progress on previously approved spending. That there has been substantial slippage needs to be recognised and addressed in any future works. The programme cannot be endorsed.
 - c. Looking at numbers of homes that have actually been completed, many of these were part of the Highlands development, started under the Conservative administration, very few have been provided by the Labour administration.
 - d. About the spiralling need for temporary accommodation which has been inadequately addressed with very few new houses provided for social rent.
8. The response from the Cabinet Member for Housing and Estate Regeneration that the Council had been able to redefine the meaning of affordable rent (defined as 80% of marketable local rent under the Government) into a more meaningful figure – a real affordable rent - based on local housing elements. The numbers of housing units quoted did not include the many built by partners such as the Notting Hill Housing Trust.

AGREED

1. To approve the Housing Revenue Account (HRA) 30-Year Business Plan.
2. To approve the detailed HRA revenue budget for 2017/18.
3. To approve the HRA Capital Programme and Right to Buy (RTB) One for One Receipts Programme 2017/18 to 2021/22.
4. To note the rent levels for 2017/18 for HRA and temporary accommodation properties.
5. To approve the level of service charges for 2017/18 for those properties receiving the services.
6. To approve the heating charges for 2017/18 for those properties on communal heating systems and the proposed mid-year review.
7. To approve of the proposals for increases in garages and parking bay rents.
8. To delegate authority to the Cabinet Member for Housing and Housing Regeneration and the Executive Director of Regeneration and Environment to approve tenders for Major Works.

Councillors Stewart and Maguire declared disclosable pecuniary interests in this item in relation to their employment at Unison.

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9

REVIEW AND ADOPTION OF STATUTORY PAY POLICY STATEMENT

Councillor Simon proposed and Councillor Lemonides seconded a report of the Assistant Director of Human Resources presenting the Council's statutory pay policy for consideration and approval. (Report No: 212)

NOTED

1. That the pay policy statement had been considered and approved for recommendation on to Council by the Remuneration Sub Committee on 31 January 2017.
2. The key change from last year was the creation of a new grade at director level and more senior heads of service to allow more flexibility at the senior level.
3. It was a requirement of the Localism Act 2011 that Council review the policy annually.
4. Councillor Neville added that Opposition members had contributed to the discussion at the Remuneration Sub Committee and they were content with the proposed changes.

AGREED the amendments to the statutory Pay Policy Statement attached as Appendix 1 of the report.

10

ICT CAPITAL INVESTMENT 2017-2020

Councillor Lemonides proposed and Councillor Achilleas Georgiou seconded the report of the Chief Executive and the Executive Director of Finance, Resources and Customer Services outlining the proposed next phase of ICT investment. (Report No: 157A)

NOTED

1. That Cabinet (14 December 2016) agreed to recommend that Council approve this addition to the Capital Programme.
2. The report is proposing that the Council spend £32m over 3 years to improve ICT: £9m on technical infrastructure and £23m on systems replacement.
3. The investment will enable the Council to undertake a range of activities including improving the customer service on the website, replacing a key support system, making the Council more efficient and able to share data across services more effectively.

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4. It will place ICT investment funding on a more secure footing to enable the Council to meet the digital needs of major service areas.
5. The concerns of the Opposition:
 - a. That the proposal had not been included in last year's capital programme and that the poor organisation and lack of advanced planning revealed.
6. That ICT spending in the past had come from department underspends. This proposal was more honest, open and transparent setting out ICT spending for the next 3 years.
7. The Mayor refused the Opposition's request for a roll call vote due to the need to stick to the timed agenda and time constraints. The Opposition asked for their names to be recorded in the minutes.

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

For: 33

Against: 21

Councillor Erin Celebi
Councillor Lee Chamberlain
Councillor Jason Charalambous
Councillor Lee David-Sanders
Councillor Dogan Delman
Councillor Nick Dines
Councillor Peter Fallart
Councillor Alessandro Georgiou
Councillor Elaine Hayward
Councillor Robert Hayward
Councillor Ertan Hurer
Councillor Eric Jukes
Councillor Joanne Laban
Councillor Andy Milne
Councillor Terence Neville
Councillor Anne Marie Pearce
Councillor Daniel Pearce
Councillor Michael Rye
Councillor Edward Smith
Councillor Jim Steven
Councillor Glynis Vince

Abstentions: 0

AGREED

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1. To approve, following the recommendation made by Cabinet on 14 December 2016, the addition of £32m to the capital programme for ICT capital requirement over the 3 years 2017/18, 2018/19 and 2019/20.
2. To note that this will need to be met from Council borrowing.

**11
MOTIONS**

Urgent Motion

Council noted that the Mayor has agreed to accept the following as an urgent motion under Part 4 paragraph 11.6 of the constitution.

The decision was accepted as urgent, as notice as under Part 4, Paragraph 11 could not reasonably have been given for the following reasons:

- It was not possible to submit this motion within the normal timescale as notification of the consultation was only received after the deadline for submission of ordinary motions had passed.
- It is not possible for consideration of this matter to await the next Council meeting, as this is scheduled for 6th April and this next stage of the Boundary Commission for England consultation process concludes before then on 27th March 2017.

Motion in the name of Councillor Jamal

Councillor Jamal proposed and Councillor Bambos Charalambous seconded the following motion:

“This Council notes that the second stage of consultation on responses to the initial proposals for the 2018 Parliamentary Constituency Boundary review is due to begin on Tuesday 28th February. The consultation is being undertaken by the Boundary Commission for England and concludes on Monday 27th March. The initial consultation closed in December 2016 and the Boundary Commission are now requesting responses commenting on the submissions from this first stage of consultation.

In view of the timescale for the second stage of consultation, Council empowers the Electoral Review Panel to co-ordinate and prepare a response on behalf of the London Borough of Enfield for approval by the Leader of the Council calling on the Boundary Commission to reconsider its initial proposals in order to better reflect the needs of the local area.”

Following a short debate Councillor Neville proposed and Councillor seconded an amendment that the Leader of the Opposition should also approve the response calling on the Boundary Commission to reconsider its initial proposals.

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The amended motion was agreed without a vote.

CHANGE IN THE ORDER OF BUSINESS

Councillor Stewart moved and Councillor Bambos Charalambous seconded a change in the order of business so that item 10.4 followed by 10.5 should be taken as the next item of business.

This was agreed with the following result:

For: 32
Against: 20
Abstentions: 0

Motion 10.4 In the name of Councillor Alan Sitkin

Councillor Sitkin proposed and Councillor During seconded the following motion:

“Enfield Council calls on the Department for Work and Pensions (DWP) to immediately reverse its decision to close the Upper Edmonton Job Centre Plus (JCP) and commit to collaborating with the Council in providing residents in this part of the borough with the employability services that they merit and require. Enfield Council prioritises the regeneration of this deprived area, including through the excellent local career opportunities we have engineered through the Meridian Water project. JCP is a key partner in this effort and must maintain its high street presence.”

During the debate Councillor Stewart proposed and Councillor Taylor seconded a motion that the question now be put. This was agreed without a vote.

The motion was then put to the vote and agreed with the following result:

For: 32
Against: 21
Abstentions: 0

**12
CHANGE IN THE ORDER OF BUSINESS**

Councillor Stewart moved and Councillor Bambos Charalambous seconded the proposal under paragraph 2.2(B) of the Council procedure rules to change the order of items in the agenda to take item 17 on the part 2 agenda as the next item of business.

The change in the order was agreed without a vote.

The minutes reflect the order of the meeting.

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13

EXCLUSION OF PRESS AND PUBLIC

AGREED in accordance with Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for consideration of Item 17 listed on Part 2 of the agenda on the grounds that it involves the likely disclosure of 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 Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

14

BUDGET REPORT 2017/18 AND MEDIUM TERM FINANCIAL PLAN 2017/18 TO 2020/21

Councillor Lemonides proposed and Councillor Anderson seconded the report of the Executive Director of Finance, Resources and Customer Services seeking approval, as part of the 2017/18 Budget and Medium Term Financial Plan to fees and charges for Environmental Services. (Report No: 204A)

NOTED

1. The report was considered in conjunction with Report No: 194A on the part 1 agenda.
2. The recommendation set out in the report was endorsed and recommended for approval to Council at the Cabinet meeting held on 8 February 2017.
3. The information in the report was concerned with the fees for environmental services which were being considered in part 2 due to commercial sensitivities.
4. The concern of the Opposition, who would be opposing the fees, in relation to:
 - a. The increase in the fees and charges including the high fees proposed for planning advice when it was so difficult for members of the public to speak to officers on the telephone.
 - b. The complaints of residents that they cannot speak to anyone at the Council.
5. Fees were assessed on the basis of 4 elements, the full cost of the service, inflation, statutory fees and benchmarking information.
6. The new fee structure for planning better reflected the time and input of officers and should improve the customer experience.

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Following the debate the recommendations were put to the vote and agreed with the following result:

For: 33

Councillor Abdul Abdullahi
Councillor Daniel Anderson
Councillor Yasemin Brett
Councillor Alev Cazimoglu
Councillor Nesil Cazimoglu
Councillor Bambos Charalambous
Councillor Katherine Chibah
Councillor Guney Dogan
Councillor Sarah Doyle
Councillor Christiana During
Councillor Pat Ekechi
Councillor Turgut Esendagli
Councillor Krystle Fonyonga
Councillor Achilleas Georgiou
Councillor Christine Hamilton
Councillor Ahmet Hasan
Councillor Suna Hurman
Councillor Jansev Jemal
Councillor Doris Jiage
Councillor Nneka Keazor
Councillor Adeline Kepez
Councillor Dino Lemonides
Councillor Derek Levy
Councillor Mary Maguire
Councillor Don McGowan
Councillor Ayfer Orhan
Councillor Ahmet Oykenner
Councillor Vicki Pite
Councillor George Savva
Councillor Toby Simon
Councillor Andrew Stafford
Councillor Claire Stewart
Councillor Doug Taylor

Against: 20

Councillor Erin Celebi
Councillor Lee Chamberlain
Councillor Jason Charalambous
Councillor Lee David-Sanders
Councillor Dogan Delman
Councillor Peter Fallart
Councillor Alessandro Georgiou
Councillor Elaine Hayward
Councillor Robert Hayward

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Councillor Ertan Hurer
Councillor Eric Jukes
Councillor Joanne Laban
Councillor Andy Milne
Councillor Terence Neville
Councillor Anne Marie Pearce
Councillor Daniel Pearce
Councillor Michael Rye
Councillor Edward Smith
Councillor Jim Steven
Councillor Glynis Vince

Abstentions: 0

AGREED that the Pest Control, Commercial Waste, Schedule 2 waste, clinical waste, planning pre-application service, parks events and outdoor facilities, people transport services, fleet services and schools health & safety fees and charges for environmental services are agreed as set out in Section 3.1 and Appendix 1 to the report.

15

DURATION OF COUNCIL MEETING

The Mayor advised, at this stage of the meeting, that the time available to complete the agenda had now elapsed so Council Procedure Rule 9 would apply.

NOTED that in accordance with Council Procedure Rule 9 (page 4-8 – Part 4), the remaining items of business on the Council agenda were considered without debate.

16

MOTIONS

NOTED in accordance with Council procedure rule 9 the remaining motions lapsed due to lack of time:

Motion 10.1 In the name of Councillor Alessandro Georgiou

“The people of the United Kingdom have voted to leave the European Union. Therefore the Council resolves that the flag of the EU should be removed from the flag pole on the civic centre premises and replaced with the Union Flag of the United Kingdom of Great Britain and Northern Ireland.”

Motion 10.2 In the name of Councillor Alessandro Georgiou

“This Council resolves that the National Anthem of the United Kingdom of Great Britain and Northern Ireland should have time reserved to be sung during the beginning of each Full Council Meeting.”

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Motion 10.3 In the name of Councillor Terry Neville

“Borough residents were once again exposed to an unnecessary and pointless 24 hour strike on the London Underground in January, including the Piccadilly Line locally, which brought chaos to our capital and put extra pressure on other transport services. As with previous disputes this strike served only to inflict the maximum inconvenience and misery on hard working Londoners trying to get to and from their place of work.

The Council condemns the actions of the Transport Unions involved, and calls upon the Government to fully implement the relevant provisions of the Trade Union Act 2016 to further restrict the ability to take industrial action in the public transport sector.”

Motions 10.5 In the name of Councillor Ahmet Oyken

“The White Paper helpfully returns to an emphasis on affordable housing of all tenures, both rented and affordable homeownership. The government does now accept that the housing market is “broken” and so in this regard we are disappointed that the Paper did not go further. Whilst the Paper recognises the great role that Local Authorities can play in meeting the serious housing demand challenge it could and should have gone further. In particular we continue to ask for the government to allow councils to borrow against our assets which is the one measure which will truly enable a renaissance in housing building. There are different ways to do this so what I propose is we work together, meet the Minister, and agree a new deal which is right for the people of Enfield”.

17

COUNCILLOR QUESTION TIME

1.1 Urgent Questions

There were no urgent questions.

1.2 Questions by Councillors

NOTED the forty one questions on the Council agenda and the written responses provided by the relevant Cabinet members.

18

COMMITTEE MEMBERSHIP

AGREED to note that Councillor Don McGowan had been appointed chair of the Local Pension Board following the decision at the last meeting for the name of the chair to be notified.

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19

NOMINATIONS TO OUTSIDE BODIES

AGREED to confirm the following change to the appointments to Outside Bodies:

- Enfield in Bloom: Councillor Robert Hayward to replace Councillor Daniel Pearce.

20

CALLED IN DECISIONS

No called in decisions were discussed.

21

DATE OF NEXT MEETING

Council agreed to change the date of the next Council meeting from Wednesday 29 March to Thursday 6 April 2017 at 7pm at the Civic Centre.

Council Meeting – 6 April 2017 Opposition Priority Business

“The Council’s Labour administration simply isn't listening”

We have chosen this subject for our OPB paper and debate because we have been collectively struck by the volume and force of email and other communications complaining about the fact that “no one in the council listens or wants to know”. Moreover, while as an Opposition we do not expect the implementation of Conservative policies, we can and do point out failings in the administration which have consequences, but here again, these are dismissed on a wave of party political bias - i.e. everything the opposition says must be wrong and is thus to be ignored! And the irony is that "listening" as often as not has very little cost!

Leaving aside the fact that it is still very difficult to communicate with the council as an organisation – yes, residents, businesses, would be developers, and others all still have great difficulty in getting through to anyone, and if they do, they all say the same. The reality, as we shall demonstrate is that despite all the claims and protestations by Labour councillors to the contrary, on the issues that matter, the Labour administration is simply ignoring the views of the people it represents.

1. Cycle Enfield.

I'm not proposing to rehearse the many arguments much deployed on this subject, which are well known to all members. Suffice to say that the A105 and A1010 schemes provide ample evidence of the Labour administration's failure to listen to the concerns of local residents and local businesses whose lives and livelihoods were likely to be affected by the proposed schemes, neither of which secured majority support in the consultations. In the case of Enfield Town, while with obvious great reluctance and only after the intervention of TfL, the fact remains that the alternative proposals have never had a proper public airing despite the many concerns that have been expressed.

So much for the merits, the implementation of the A105 has led to severe inconvenience to residents and motorists alike, but the real losers in all of this are, as was predicted, the numerous businesses operating along the route. Many of the business proprietors have pleaded for a meeting with Councillor Anderson but he has failed to meet them, preferring instead it seems, to display (and in writing) an arrogance better suited to the former Soviet Regime. Indeed one business went so far as to send Councillor Anderson copies of the firm's accounts showing a c30% reduction in sales, only to be met by a patronising and almost insulting response. Councillor Anderson's grasp of facts as used in his public pronouncements (e.g. Evening Standard) is poor - or is he just economical with the truth. Either way it does not suggest that he is a listening Cabinet Member - more worryingly that he simply doesn't care.

2. Highway Maintenance.

Members' mailboxes on both sides, are I'm sure peppered with complaints about the state of the borough's roads and pavements. Similar complaints appear from time to

time in the local newspapers. It was something of a surprise then, at the budget meeting in February that Councillor Anderson and the Labour Cabinet had failed to include any money for highway maintenance in the capital programme for 2017/18. I raised this during the debate and there was some muttering to the effect that this would be picked up at the March Cabinet. It wasn't! Further enquiries revealed an even more shocking revelation - that the £7.2million allocated for the year just ended was some 27% underspent! Could that be because having employed the main highways contractor (without undertaking a separate tendering process) to undertake the Cycle Enfield works, the contractor was overloaded and couldn't complete the much reduced highway maintenance programme? Whatever the reason, (and it certainly wasn't government cuts) the underspend was fortuitous and could now be used to tide them over until Councillor Anderson got both his and the Cabinet's act together!

3. Parks

The Friends of the Parks pleas and views have also been falling on deaf ears! They, on whom frankly the council depends for support both political and physical to ensure that our parks are maintained to a reasonable level, have regularly been treated with arrogance and indifference. By way of example the first draft of the Friends Agreement was approved by the Cabinet Member without the draft document being consulted upon with the Friends of the Parks Groups. The Groups were basically expected to sign up! The only reason that didn't happen and that there is now a revised agreed version is because it was called in by the Opposition Lead Member for Environment, which allowed Friends of the Parks Groups to voice their concerns at the OSC.

4. Controlled Parking Zone Residents' Permits

In July 2016, a decision was made to reform the basis for calculating the charge for Residents Parking Permits. There was a public consultation on the proposed changes, which included axing the 50% discount for over 65's, and moving to an engine based charging model rather than the CO2 one. The result of the consultation on whether people wanted the council to move to an engine based charging method was a clear majority against - 58% disagreed. Only 31% agreed, and 9% wanted neither and 2% didn't know or were unsure. However, this did not stop the Cabinet Member for Environment pushing the decision through regardless. This is another perfect example of failing to listen. The council in this instance lost the consultation, the people overwhelmingly rejected the proposal to change to an engine based model, but instead of conscientiously reflecting on the responses from residents as the law requires, the decision was made to implement the proposal come what may and in contradiction to the outcome of the consultation.

5. Housing Board

The Customer Voice, which sends representatives to the Housing Board chaired by Cllr.Oykener, and Senate were established by the council as part of the review of

housing governance following the decision to reintegrate Enfield Homes arm's length company back into the council in April 2015. This provides a very interesting example of the council **not wanting to listen**. It is the overarching housing representative body for tenants and leaseholders for the Borough of Enfield and has 15 members. While the Conservative Group strongly supported the establishment of tenant and leaseholder led bodies, we remain concerned that members of these two bodies are appointed rather than elected. Labour argued that appointed representatives would be collectively competent and that they should therefore be selected on the basis of skills and commitment. This however completely overlooks democratic principles and more importantly creates the perception (and the reality) that Labour councillors are not actually interested in hearing the views of residents who don't happen to share the same views as them. Again shades of a Soviet regime.

6. The Public Transport Consultative Group

The Public Transport Consultative Group (PTCG) had its membership and remit reformed earlier in this municipal year. The rationale was to broaden the membership of the PTCG so it was more reflective of the diverse nature of our borough. Whilst no one would disagree that the objective was a good one, the decision was used as a smoke screen to remove certain residents' associations/groups from serving on the panel many of whom had voiced disappointment at some of the Administration's transport policies, in particular Cycle Enfield.

It was decided that representatives from the voluntary sector can serve on the panel but only if approved by the Cabinet Member for Environment, while other groups needed the sanction of the Chairman of the PTGC. Membership of the PTCG, apart from the councillors, is therefore down to the chosen and select few who in practice are unlikely to 'rock the Labour Boat'. The Conservative Group opposed the decision because it believes that the Administration deliberately chose to exclude hard working community groups from the PTCG in order to create a more amenable panel for its transport policies. Hand picking groups to make the PTCG more reflective of the Administration's views on transport is not an example of a listening council, it is more an example of one that is so wrapped up in itself that it does not care about those stakeholder groups who have genuine concerns about the effects that policies have on local residents.

7. Federation of Enfield Community Associations

Recognising that the court case on possession is now at an end, I cannot leave a paper on the subject of failing to listen without including a paragraph on this topic. Members are aware that a petition was submitted by residents calling on the council to renew the Federation of Enfield Community Associations' (FECA) lease on 11 Mottingham Road Edmonton N9 8DX. The petition was signed by thousands of people across the borough. The Labour administration failed to acknowledge the strength of feeling within the community on this issue, ignored the wishes of residents and at considerable public expense, continued to pursue its political

agenda to remove FECA from the shop unit in Mottingham Road which it had used to provide much needed advice to council tenants that is otherwise unavailable.

Recommendations

- 1. That the Labour administration undertakes that in future it will, in line with the Code of Conduct, and recognising its representative role in local democracy, listen and respond courteously and conscientiously to the views of residents and businesses generally.**
- 2. On those issues that affect residents' quality of life, and businesses' economic and general wellbeing, the Labour administration will respond wherever practicable by giving effect to their views, particularly where such views are widely held or supported.**

**Terry Neville OBE JP
Leader of the Opposition
For and on behalf of the Conservative Group**

15. OPPOSITION BUSINESS

- 15.1 The Council will, at four meetings a year, give time on its agenda to issues raised by the Official Opposition Party (second largest party). This will be at the first normal business meeting (in May /June), and then the third (September), fifth (January) and seventh (March) meetings (unless otherwise agreed between the political parties). A minimum of 45 minutes will be set aside at each of the four meetings.
- 15.2 All Council meetings will also provide opportunities for all parties and individual councillors to raise issues either through Question Time, motions or through policy and other debates.
- 15.3 The procedure for the submission and processing of such business is as follows:
- (a) The second largest party shall submit to the Monitoring Officer a topic for discussion no later than 21 calendar days prior to the Council meeting. This is to enable the topic to be fed into the Council agenda planning process and included in the public notice placed in the local press, Council publications, plus other outlets such as the Council's web site.
 - (b) The Monitoring Officer will notify the Mayor, Leader of the Council, the Chief Executive and the relevant Corporate Management Board member(s) of the selected topic(s).
 - (c) Opposition business must relate to the business of the Council, or be in the interests of the local community generally.
 - (d) If requested, briefings on the specific topic(s) identified will be available to the second largest party from the relevant Corporate Management Board member(s) before the Council meeting.
 - (e) No later than 9 calendar days (deadline time 9.00 am) prior to the meeting, the second largest party must provide the Monitoring Officer with an issues paper for inclusion within the Council agenda. This paper should set out the purpose of the business and any recommendations for consideration by Council. The order in which the business will be placed on the agenda will be in accordance with Council Procedure Rule 2.2 relating to the order of business at Council meetings.
 - (f) That Party Leaders meet before each Council meeting at which Opposition Business was to be discussed, to agree how that debate will be managed at the Council meeting.
 - (g) The discussion will be subject to the usual rules of debate for Council meetings, except as set out below. The Opposition Business will be conducted as follows:

- (i) The debate will be opened by the Leader of the Opposition (or nominated representative) who may speak for no more than 10 minutes.
- (ii) A nominated councillor of the Majority Group will be given the opportunity to respond, again taking no more than 10 minutes.
- (iii) The Mayor will then open the discussion to the remainder of the Council. Each councillor may speak for no more than 5 minutes but, with the agreement of the Mayor, may do so more than once in the debate.
- (iv) At the discretion of the Mayor the debate may take different forms including presentations by councillors, officers or speakers at the invitation of the second largest party.
- (v) Where officers are required to make a presentation this shall be confined to background, factual or professional information. All such requests for officer involvement should be made through the Chief Executive or the relevant Director.
- (vi) The issue paper should contain details of any specific actions or recommendations being put forward for consideration as an outcome of the debate on Opposition Business.
- (vii) Amendments to the recommendations within the Opposition Business paper may be proposed by the Opposition Group. They must be seconded. The Opposition will state whether the amendment(s) is/are to replace the recommendations within the paper or be an addition to them.
- (viii) Before the Majority party concludes the debate, the Leader of the Opposition will be allowed no more than 5 minutes to sum up the discussion.
- (ix) The Majority Group will then be given the opportunity to say if, and how, the matter will be progressed.
- (x) If requested by the Leader of the Opposition or a nominated representative, a vote will be taken on whether to approve the Majority Group's response.

Municipal Year 2016/17 Report No. **249**

MEETING TITLE AND DATE:

Council
6th April 2017

**Members & Democratic
Services Group**
1st March 2017

REPORT OF:

Executive Director of Finance,
Resources & Customer
Services

Agenda - Part: 1	Item: 9
Subject: Reference from Members & Democratic Services Group: Review of the Council's constitution and removal of the term 'Big Decisions'	
Wards: N/A	
Cabinet Member consulted: None	

Contact: Asmat Hussain (Assistant Director Legal & Governance) and Claire Johnson (Governance & Scrutiny Services Manager) 020-8379-4239 email: Claire.Johnson@enfield.gov.uk

1. Executive Summary

- 1.1 Part 2, Chapter 2.4 of the Council's constitution 'Purpose of the Council', refers to the Council making all "Big decisions" about the Council's services and functions and the policies and strategies within which they operate. This is not a term which is used in the Local Government Act 2000 and Local Authorities (Functions and Responsibilities) Regulations 2000 which introduced a clear split between Executive and Council decision making.
- 1.2 If the wrong body within the Council takes a decision, then there is real potential that the decision could be challenged and found ultra vires. The Member and Democratic Services Group agreed to the textual change, it is therefore proposed that the term "Big Decisions" is removed from the constitution.
- 1.3 To ensure that the constitution is maintained effectively, Council as asked to delegate authority to the Monitoring Officer (MO) to make minor and/or necessary amendments to the constitution to ensure that it complies with the law, and is up to date. Any changes would then be communicated to all members.

2. Recommendations:

- 2.1 Council is asked to consider and formally approve the following recommendations, referred from the Members & Democratic services Group (MDSG):
- 2.2 That the term 'Big Decisions' is removed from the text of the Purpose and functions of Full Council, as set out below, but the detailed breakdown of the functions remains the same as detailed in Chapter 2.4 section 4.3.
- 2.3 That authority is delegated to the Monitoring Officer to make minor and/or necessary changes to the Constitution, including administrative changes and those required by law. This authority shall be subject to clearance of the proposed changes, either at a meeting or by correspondence, by the MDSG.
- 2.4 If any such amendment to the constitution is not agreed by MDSG (as recommended in 2.3 above), the amendment will be referred to Full Council for consideration as set out in Chapter 2.12 of the Constitution.

3. BACKGROUND

3.1 REVIEW AND REVISION OF THE CONSTITUTION

3.1.1 The council's current approach to any amendments to the constitution are that all changes to the constitution must be referred to full Council. Most authorities within their articles for review and revision of the constitution delegate authority to the Monitoring Officer to make minor revisions in order that the constitution is up to date with any legislative changes, and therefore complies with the law, and to pick-up any administrative or structural changes to ensure the constitution is maintained effectively.

3.1.2 MDSG agreed to make provision within the constitution for the MO to do this.

3.2. BIG DECISIONS

3.2.1 Part 2, Chapter 4.2 of the constitution refers to the purpose of the Council, it states that the Council will make all the "big decisions" about the Council's services and functions and the policies and strategies within which they operate.

3.2.2 Big decisions are defined within the constitution as "all policy proposals which fall outside the Councils agreed policy framework. The Council will make decisions which it considers have significant community interest and or impact. The Cabinet and Councils Management Board will bring

these matters to the attention of the Council.”

3.2.3 External legal advice has confirmed that “Big decisions” is not a term which is used in the Local Government Act 2000 and Local Authorities (Functions and Responsibilities) Regulations 2000 which introduced a clear split between Executive and Council decision making

3.2.4 Most decisions rest with the Executive; and are to be exercised by the Leader and Cabinet, and often these are delegated to officers. There are some decisions which are specifically reserved to Council e.g. setting the Council Tax and regulatory type decisions dealing for example with licensing and development control- usually delegated by Council to Committees, and again sometimes to officers. Part 3 of the Constitution sets out the main responsibility for functions and how these are currently split between the Council, Executive and local choice functions. The relevant extract has been attached for member’s information as Appendix A.

3.2.5 If the wrong body within the Council takes a decision then there is real potential that the decision could be challenged and found ultra vires.

3.2.6 Whilst Council clearly have a role in agreeing the overall policy framework, policy decisions regarding the way in which services are provided are treated under the legislation as matters for the Executive. It is therefore recommended that the term and definition “big decision” be removed from the constitution with the following sections replaced as follows:

(a) Chapter 2.4 - 4.1 (a) “exercise the functions reserved to it within section 4.3 and as required under the Council’s Financial Procedure Rules”

(b) Part 3 section 3.4 Scheme of Delegation delete reference to Big Decisions and replace with “Matters listed under purpose and functions of Council”

3.2.7 The rest of the functions remain the same.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

A key role for the Assistant Director, Corporate Governance & Legal Services is to be aware of the strengths and weaknesses of the Councils constitution, and to ensure that its aims and principles are given full effect.

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

a. Financial Implications

Any changes required to the Constitution will be undertaken within existing resources

b. Legal Implications

The Council may only do what it is empowered or required to do by statute, whether expressly or by necessary implication. This means that the Council must make decisions that lie within the requirements of its governing legislation. If the Council carries out an unauthorised activity, including the manner in which powers and duties are exercised, that decision is potentially ultra vires. The recommendations set out in this report will help secure lawful decision-making and promote strong governance.

The Local Authorities (Functions and Responsibilities) Order 2000 sets out the division between Council and Executive decision-making and where responsibility for decision-making rests. The Local Government Act 2000 provides that, unless a matter is specifically reserved to the Council, or is a matter of local choice, it is a matter for the executive. This is the default position. Some matters are specifically reserved to Council, for example setting the Council tax and regulatory functions. There is some flexibility in determining how to discharge local choice functions, which may be exercised by either the executive or the Council.

The functions, rights and powers of the Council are set out in the Council's Constitution at Part 2, Chapter 2.4. The Council's Constitution currently refers to 'big decisions'. Paragraph 4.1(a) of the Council's Constitution sets out that the Council will 'make all the 'big decisions' about the Council's services and functions and the policies and strategies within which they operate'.

It is the legal position - as set out in the legal framework above - which governs whether functions are matters for the Council or the Executive, regardless of the size or level of importance of a decision. There is no legal definition of 'big decisions'. If any provisions of the Constitution are in conflict with the legislation, the legislation will prevail. The proposed amendment to the Council's Constitution will provide clarity to the Council's decision-making process and help secure lawful decision-making.

The Council is under a statutory duty to prepare and keep up to date its Constitution under s9P LGA 2000. The recommendation to delegate authority to the Monitoring Officer to make minor and/or necessary

changes is a lawful exercise of the Council's powers and will help secure compliance with its statutory obligation.

c. Property Implications

None

7. KEY RISKS

If the wrong body within the Council takes a decision then there is real potential that this can be challenged and the decision would be ultra vires, and this could obviously cause serious problems for the Council.

8. IMPACT ON COUNCIL PRIORITIES

Fairness for All, Growth and Sustainability, Strong Communities

The changes proposed are designed to ensure that the Council's Constitution remains clear in order to assist the Council in managing its business in as efficient and effective a way as possible.

9. EQUALITIES IMPACT IMPLICATIONS

An equalities impact assessment is neither relevant nor proportionate for the approval of this report.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

None

11. PUBLIC HEALTH IMPLICATIONS

None

Background Papers

None

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Appendix A

Chapter 2.4 - The Full Council

4.1 PURPOSE OF THE COUNCIL

- (a) The Council will:
- **Exercise the functions reserved to it within section 4.3 and as required under the Council's Financial Procedure Rules. ~~make all the "big decisions" about the Council's services and functions and the policies and strategies within which they operate.~~**
 - decide the Council's policy framework;
 - exercise its community leadership role and debate openly major issues both within and outside the Council's remit (where those issues affect the Borough);
 - facilitate early debates of policy matters;
 - and in all these matters will seek genuine participation and representation of diverse views to ensure good decision making in the best interests of the people of Enfield.
- (b) The Council will have the ultimate power to hold the Cabinet to account. The Council's key functions will be to:
- make decisions required by statute;
 - act as a debating chamber to further the interests of the Borough's residents;
 - consider and debate budget, policy and major service proposals;
 - initiate community consultation and encourage public participation in policy formulation;
 - scrutinise the performance of the Cabinet and the Executive with the assistance of the Overview and Scrutiny Committee; and
 - provide community leadership on issues of public interest outside the remit of the Council.
- (c) The Council will also have the power to give direction to the Overview and Scrutiny Committee in a manner that is supportive of their independent role.

~~Big decisions are all policy proposals which fall outside the Council's agreed Policy Framework. The Council will make decisions which it considers have significant community~~

~~interest and or impact. The Cabinet and the Council's Management Board will bring these matters to the attention of the Council.~~

~~Other big decisions will be those that seek to ;~~

- ~~(i) introduce new services, cease existing services or make changes to existing services which are intended to alter significantly their purpose or effect;~~
-
- ~~(ii) adopt new policies, cease existing policies or make changes to existing policies which are intended to alter significantly their purpose or effect.~~

4.2 CONDUCT OF BUSINESS

All Council meetings will be open to the public. There may, occasionally, be confidential matters to be discussed by the Council. In such circumstances, the principles expressed in the access to information requirements of the Local Government Act 1972 (as amended) will apply. Every effort will be made to have the decisions made in the open part of the meeting with reports being split into open and closed parts.

(a) Policy Framework

The Council will be the guardian of the Policy Framework within which the Council's democratic management arrangements and its services, policies and functions will operate.

The policy framework means the following plans and strategies:

- 'Creative Enfield' – Enfield's Arts and Creativity Strategy
- Council Business Plan
- Budget and Medium Term Financial Plan
- Children & Young People's Plan
- Community Care Plan
- Sustainable Community Strategy
- Corporate Procurement Strategy and Sustainable Procurement Policy
- Safer and Stronger Communities Board Partnership Plan
- Early Years Development Plan
- Education Development Plan
- Housing Strategy
- Local Implementation Plan
- Local Development Framework
- Youth Justice Plan
- The plan and strategy which comprise the Housing Investment Programme

- Engagement Framework
- Adult Learning Plan
- Quality Protects Management Action Plan
- The Council's Strategy
- Service Group Priorities
- The strategies and policies of the Council, for example: Equal Opportunities Policy, Everybody Active the Council's Sport and Physical Activity Strategy, The Council's strategy to benefit from London hosting the 2012 Games, Customer Services Policy, the Concessionary Travel policy and other major strategies and policies that the Council may decide from time to time.

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and rents and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.3 FUNCTIONS OF THE FULL COUNCIL

Only the Council will exercise the following functions:

- (1) adopting and changing the Constitution;
- (2) approving, adopting and amending the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (3) setting the Council Tax and Council Tax Base, rents in respect of the Council's dwellings and related properties.
- (4) approving the Council's Capital Programme, including approving a specific list of prioritised additional schemes.
- (5) subject to the urgency procedure contained in the Council Procedure Rules (see Chapter 1 of Part 4 of this Constitution – paragraph 30), making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision would be contrary to the policy framework or the budget;
- (6) appointing the Mayor, Deputy Mayor, Statutory Committees (including Standards Committee) and Associate Cabinet Members and the Overview and Scrutiny Committee; electing and removing the Leader.

- (7) agreeing and/or amending the terms of reference for committees and panels, deciding on their composition and making appointments to them;
- (8) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (9) adopting a Members' Allowances scheme under Part 6 of this Constitution;
- (10) changing the name of an area, conferring the title of honorary alderman or freedom of the borough;
- (11) confirming the appointment and dismissal of the Chief Executive;
- (12) terminating the contract of employment of the Chief Executive or of a Director, (subject to compliance with any statutory procedures);
- (13) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (14) all local choice functions which the Council decides should be undertaken by itself rather than the executive;
- (15) all other matters which, by law, must be reserved to Council;
- (16) deciding recommendations made to Council by the Cabinet and other relevant Council bodies;
- (17) considering motions and questions, including whether to remove the Leader.
- (18) deciding reports and proposed work programmes on the recommendation of the Overview and Scrutiny Committee;
- (19) dealing with all matters relating to the variation or transfer of Council powers;
- (20) debating any matter considered to be of significant community interest or impact; and
- (21) dealing with matters referred to it under the call-in procedure set out in Part 4 (Chapter 2, paragraph 17) of this constitution.

Part 3 – Responsibility for Functions

3.1 LOCAL CHOICE FUNCTIONS

All functions described as “local choice functions” in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 will be executive functions carried out by the Cabinet.

3.2 COUNCIL

Chapter 4 of Part 2 sets out the functions which are the responsibility of the full Council. Other functions which are not listed are legally required to be carried out by Council.

3.3 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Other than those matters reserved to Council or delegated to a non-executive Committee/Panel or to a Director (or Statutory Officer), all other remaining functions are allocated as executive functions. These will be carried out by the Leader or as the Leader shall direct.

(Updated Council :31/3/10)

Under Section 236 of the Local Government and Public Involvement in Health Act 2007 the Leader has the statutory power to delegate functions, which are the responsibility of the Executive, to other Members (subject to them being exercised in Members’ own wards only).

(Updated Council 4/5/11)

3.4 SCHEME OF DELEGATION

Council Decisions

Area	Who will take	Examples
Statute Matters listed under purpose and functions of Council “Big Decisions”	Council	As set out in Council terms of reference e.g. Setting Council Tax and Housing Rents.
	Council	Agreeing Community Plan and Local Performance Plan. Agreeing service priorities.

Non-executive Quasi Judicial and Planning

Area	Who will take	Examples
Decisions which are reserved to committees or panels set up by the Council to act on its behalf.	The committee or panel to which the decision is referred.	Licensing Committee. Planning Committee.

Corporate Decisions

Area	Who will take	Examples
<p>Decisions which will have a significant impact upon the delivery of services across a number of Cabinet Portfolios.</p> <p>Decisions which have significant resource implications across a number of Cabinet portfolios which are within the Council's policy framework.</p> <p>Decisions which will have a major impact on employee relations across a number of Service Groups.</p>	Cabinet	<p>Examples of such decisions are:</p> <p>Agreeing to detailed review to be included in Best Value programme.</p> <p>Making of major corporate bids for resources, financial allocations.</p> <p>Large scale restructuring e.g. delivery of devolved support services across the Council.</p> <p>Decision to procure a linked group of services in a different way e.g. externalisation.</p> <p>Decision to allow service centre managers to choose the supplier of a corporate support service from a select list where this ability did not exist previously.</p> <p>Decision to tender for a corporate support service where the Council has previously been the monopoly provider.</p> <p>Decision to adopt a new job evaluation scheme or to make a major variation to the existing scheme.</p> <p>Decision to adopt a new or significantly varied paycales for a group of staff e.g.</p>

3.5 RESPONSIBILITY FOR FUNCTIONS

The Leader will maintain a list in Part 4 (Chapter 3) of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular functions.

The Policy Framework

The Cabinet is responsible for proposing the policy framework to full Council and for its implementation within the Council's Scheme of

Delegation – see paragraph 4. The detailed Policy Framework and the way it is developed are set out in Part 4, Chapter 7.

A record of all these policies will be developed and maintained by the Council's Management Team. Copies of the policies will be available to the Cabinet, all councillors and staff.

Departure from or changes to the Policy Framework will require the prior approval of the Council (see Part 4, Chapter 7).

3.6 CABINET RESPONSIBILITIES FOR THE EXECUTIVE FUNCTION

(1) Matters Requiring Collective Cabinet Consideration (“Corporate” Decisions) as delegated by the Leader

- a. Major policy matters affecting the Council as a whole or where individual Cabinet member(s) require collective guidance.
- b. Prospective decisions with significant impact on service and/or resource implications across the Council as a whole or which could have significant effects across a number of services or portfolios.
- c. Significant performance issues affecting the Council as a whole or crossing a number of services, or having major effects within a significant service.
- d. Matters requiring collective political guidance, for example major employee relations issues, and resource assumptions to be built into major plans such as the education development plan and housing strategy and investment programme.
- e. Matters requiring collective Cabinet consultation before decisions are made under delegated authority.
- f. Recommendations to Council which affect the Council as a whole or have a widespread effect across the Council.
- g. Proposals to or responses to recommendations or matters raised by the Overview and Scrutiny Committee which potentially affect the Council as a whole or could have a widespread effect across the Council.
- h. Formal responses on behalf of the Council to consultation by other bodies on matters that affect the Council as a whole or have a widespread effect across the Council.

- i. Formal representations or recommendations to other bodies on behalf of the Council on matters that affect the Council as a whole or have a widespread effect across the Council.

(2) Matters for Decision by an Individual Cabinet Member (“Portfolio” Decisions) as delegated by the Leader

- a. Policy matters affecting the functions (referred to as “the function concerned” in the clauses that follow) within the Cabinet member’s portfolio only.
- b. Prospective decisions with significant service or resource implications for the function concerned.
- c. Significant performance issues affecting the function concerned.
- d. Matters affecting the function which require political guidance such as major issues affecting the public or major employee relations issues.
- e. Matters requiring consultation before decisions affecting the function concerned are made under delegated authority.
- f. Recommendations to Council relating to the function concerned as appropriate.
- g. Proposals to or responses to recommendations or matters raised by the Overview and Scrutiny Committee which potentially affect the function concerned.
- h. Formal responses to consultation by other bodies on matters that affect the function concerned.
- i. Formal representations or recommendations to other bodies on behalf of the Council on matters that affect the function concerned.

Where matters dealt with under a. to i. have an effect on another Cabinet portfolio there will be consultation with the relevant Cabinet member before a conclusion is reached.