



London Borough of Enfield

Report Title	Changes to Overview and Scrutiny, and other constitutional amendments.
Report to	Council
Date of Meeting	15 th May 2024
Executive Director / Director	Director of Law & Governance – Terry Osborne
Report Author	Claire Johnson
Ward(s) affected	N/A
Key Decision Number	Non-Key
Classification	Part 1 Public
Reason for exemption	N/A

Purpose of Report

1. This report sets out proposals to change the way Scrutiny is undertaken in order to create a more streamlined approach that reflects the Council's priorities and avoids duplication of work. The report also proposes other constitutional changes to aid the smooth operation of the Council's meetings and decision-making processes.

Recommendations

- I. Agree a revised Scrutiny structure as detailed in the report, reducing the standing Panels from seven to four, as shown in paragraph 3.
- II. Agree the amendments to the constitution for the Scrutiny rules of procedure detailed in appendix A.
- III. Agree the deletion of the Environment Forum.
- IV. Note the proposed changes to the Special Responsibility Allowances for Scrutiny Chairs and Vice Chairs which are recommended for approval elsewhere on the agenda.
- V. Agree the constitutional amendments highlighted in appendix A which will aid the smooth running of Council and committee meetings.
- VI. Delegate to the Director of Law and Governance to make the approved changes to the constitution.

Background and Options

2. In July 2020, the Council agreed a revised streamlined committee structure which included changes to the scrutiny function, moving to Standing Panels and away from task and finish groups. This was with an objective of enhancing the scrutiny function, following the Council's commissioning of the Centre for Governance and Scrutiny to undertake a review the effectiveness of the Council's scrutiny function. Now that the revised structure has been in place for 3 years, further changes are being proposed to ensure that the Panels work better for both members, and the public, are streamlined, avoid duplication, and overlap, and reflect the Council's priorities.
3. The proposed structure retains the main Overview & Scrutiny Committee, with the overarching co-ordination function but reduces the number of scrutiny panels from 7 Panels to 4, covering the following key areas:
 - (i) *Culture and Environment*
The remit of this Panel could cover issues related to the street scene, fly tipping, parking, traffic, green spaces, leisure, recreation, climate change, waste, street cleansing and culture.
 - (ii) *Healthy and Safe Communities*
The remit of this Panel will cover health, public health, adult social care, crime, and community safety.
 - (iii) *Thriving Children & Young People*
The remit of this Panel remains as it is, and includes issues related to Children's Services and education.
 - (iv) *Housing and Regeneration*
The remit of this Panel covers housing, regeneration, night economy, town centres, public transport, and economic development.

4. The Overview & Scrutiny Committee will, retain a role in co-ordination of the Scrutiny function, co-ordinating the panels' work programmes and dealing with call-ins, pre-decision scrutiny and overseeing scrutiny of major cross-cutting and corporate issues such as finance and performance, although the Panels will be responsible for looking at finance and performance in relation to their own areas. The main committee will also continue to be responsible for scrutiny of the Council's budget.
5. Both the main OSC and the scrutiny panels will continue to work in the same way as they do now with the work planning sessions at the start of the municipal year to set their work programmes. These work programmes will go to OSC for consideration prior to being approved by Council.
6. The OSC would continue to meet 6 times per year for business meetings and additionally for call ins when required. Panels would meet 4 times per year plus the work planning session.
7. The terms of reference for the new Panels are shown in appendix A.

Political Balance and Chairing of OSC and the Panels

8. Appointments to the Overview and Scrutiny Committee and the scrutiny panels are approved by Council and are politically balanced.
9. It is proposed that the Overview and Scrutiny Committee will have a membership of 9 members. The split will be 5 majority seats and 4 opposition seats, with the Chair of OSC continuing to come from the majority party. The members of the OSC will each act as a chair or vice chair of the main committee and/or one of the 4 scrutiny panels.
10. Each of the individual scrutiny panels will have a membership of 7. The split will be 4 majority seats and 3 opposition seats. It is proposed that 2 of the 4 new scrutiny panels would be chaired by the Opposition.
11. It is recommended that the chairs and vice chairs of the main committee and the scrutiny panels be given an SRA, but this is dealt with separately in the report on Member Allowances elsewhere on the agenda and are not part of this report.

Other Constitutional Changes

12. The Environment Forum was originally set-up to deal with issues from the Conservation Advisory Group and to cover issues dealt with by the Green Belt Forum that were both committees deleted in the structure review undertaken in 2020. The Environment Forum has an advisory role and is not decision making, and over the last three years, the focus has changed, and the forum acts in a similar way to a scrutiny panel looking at environment issues. Therefore, it is proposed that the work of the Environment Forum could be subsumed into the new Culture and Environment Scrutiny Panel.

13. In addition to the constitutional amendments for Scrutiny, members will note there are also some further proposed amendments to Part 4 of the constitution, highlighted in yellow in appendix A. These will aid the smooth running of the Council meeting and provide clearer process. They include:

- **Guillotine arrangements** – currently the Constitution states that the Mayor shall put reports not yet considered, to the Council all together and then the Leader of the opposition will state how the Opposition would have voted.

However, each report should simply be voted on by all members the proposal is that voting will be by a show of hands for each remaining report. The wording of the amendment is in appendix A at paragraph 8.3 (i).

- **Closure motions** a new paragraph has been added at paragraph 13.25 which clarifies the process for closure motions.
- **Scrutiny Rules of Procedure** –amendments to the procedure rules for scrutiny are based on the revised arrangements detailed in this report, and can be found at paragraphs 4 to 14 in appendix A.
- **Administrative amendments** – there are some minor administrative changes that are required to ensure the procedure rules are up to date.
- **Individual Executive Decisions** – the requirement to pre-publish Key Decisions being taken by Individual members or officers prior to the decision being taken was introduced in the Local Government Act 2000. The 2012 regulations repealed and did not replace this provision, removing paragraph 19.1 Chapter 4.6 from the constitution will ensure compliance with legislation.

Preferred Option and Reasons for Preferred Option

14. Reducing the scrutiny panels provides focussed remits that reflect the councils' priorities and reduces areas of duplication.

Relevance to Council Plans and Strategies

15. The new Panels better reflect the Councils priorities of Clean and Green, Thriving Children and young people, Strong, healthy, and safe communities, more and better homes, and an economy that works for everyone.

Financial Implications

16. There are no financial implications arising directly from these proposals but there could be an overall saving achieved from consequential changes to the Members Allowance Scheme which is covered elsewhere on the agenda.

Legal Implications

17. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of a local authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
18. The requirement for councils in England to establish overview and scrutiny committees is set out in [sections 9F to 9FI of the Local Government Act 2000](#) as amended by the Localism Act 2011.
19. Overview and scrutiny committees have statutory powers to scrutinise decisions which the Executive is planning to take, those it plans to implement and those that have already been taken/implemented. Overview and scrutiny committees may make reports or recommendations to the authority about the discharge of their respective functions, and also on matters that affect the authority's area or the inhabitants of the area. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented.
20. Current overview and scrutiny legislation recognises that authorities are locally accountable. Authorities themselves are best placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
21. Government guidance on scrutiny was published on 22 April 2024 and replaces guidance published on 7 May 2019, although the changes are minimal and relate to Combined Authorities.

Equalities Implications

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

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Appendices Constitution Part 4 – Appendix A