

Part 2 - The Constitution

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Chapter 2.1 - The Constitution

1. POWERS OF THE COUNCIL

1.1 This Constitution, and all of its appendices, is the Constitution of the London Borough of Enfield. The Council will exercise all its powers and duties in accordance with the law and this Constitution.

2. PURPOSE OF THE CONSTITUTION

2.1 The purpose of Enfield's Constitution is to:

- (i) Enable the Council to provide clear and visible leadership to the community in partnership with citizens, businesses, and other organisations;
- (ii) Support the active involvement and participation of citizens in the process of council decision-making;
- (iii) Help councillors represent their constituents more effectively;
- (iv) Provide for more streamlined, efficient, and effective decision-making in an open, transparent, and accountable way;
- (v) Create a powerful, independent, and effective means of holding the decision-makers to public account;
- (vi) Ensure that no one will review or scrutinise a decision in which they were directly involved;
- (vii) Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for their decisions; and
- (viii) Provide a means of improving the delivery of services to the community.

3. INTERPRETATION OF CONSTITUTION

3.1 In this Constitution, the following words and phrases have the following meanings, unless the context dictates otherwise:

“The Authority” means the legal entity of Enfield Council

“The Budget” means the authority's Budget set out in Chapter 3, Part 3, or set by Council.

“The Cabinet” means the Leader and Cabinet Members meeting as a body.

“Cabinet Member” means another Councillor appointed by the Leader to be a Cabinet Member

“The Chief Executive” means the Officer appointed by Council to that post and the Head of Paid Service

“The Chief Finance Officer” means the Officer appointed by the Council to be responsible for the proper administration of the authority’s financial affairs in accordance with section 151 of the Local Government Act 1972

“Chief Officer/Director” means the Chief Executive/Head of the Paid Service, Statutory Chief Officer/Directors, Executive Directors, and any other Officer designated by the Chief Executive/Head of the Paid Service to be a Chief Officer/Director.

“Clear Days” means a complete period of 24 hours (including weekends and Bank Holidays) excluding the day when notice is given or deemed to be given and the day for which it is to take effect.

“Clear Working Days” means a complete period of 24 hours (excluding weekends and Bank Holidays) excluding the day when notice is given or deemed to be given and the day for which it is to take effect.

“The Council” means the Members of the Council meeting as a body.

“Councillor” means an elected Member of the Council

“Decision-Taker” means the body or person, whether a Member or an Officer, who would be responsible for taking the proposed decision.

“Civic Centre” means the Civic Centre, Silver Street, Enfield.

“The Deputy Leader” means the Cabinet Member notified by the Leader to the Chief Executive in writing to hold that office.

“The Executive” means any part of the authority which is discharging Executive Functions “Executive Function” means any function of the authority which is to be discharged by the Executive by virtue of section 13 of the Local Government 2000, the Local Authority (Functions and Responsibilities) (England) Regulations 2000 as amended, or any resolution of Council.

“Executive Directors” means those Officers who report directly to the Chief Executive and are designated by him/her as Directors

“The Forward Plan” is the statement of proposed executive key decisions prepared by the Executive in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as amended.

“Director” means an Officer who reports directly to the Chief Executive or to a Director and is designated by them to be a director

“Key Decision” means an executive decision which is likely to:

- (i) Result in the Council incurring expenditure which is, or the making of savings which are, significant (namely £500,000 or above per annum), having regard to the Council’s Budget for the service or function to which the decision relates; or
- (ii) Be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the Council.

“The Leader” means the Councillor for the time being elected by the Council to be the Leader

“The Leader of the Opposition” means the Leader of the second largest political group on the Council.

“The Monitoring Officer” means the Officer designated by Council to be the authority’s Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989

“Non-Executive Function” means any function of the authority which is to be discharged by any part of the authority other than the Executive

“Officer” means all employees engaged by the authority to carry out its functions and are employed by the Council

“Urgent Decision” means an executive decision, which, in the opinion of the decision-taker is so urgent that it cannot reasonably await the publication of the next Forward Plan before it is taken.

Chapter 2.2 - Members of the Council

1. COMPOSITION OF THE COUNCIL

- 1.1 The Council consists of 63 councillors representing 21 wards. Three councillors are elected by the voters of each ward in accordance with the scheme drawn up by the Local Government Commission and approved by the Secretary of State.

2. ELIGIBILITY

- 2.1 The requirements to be a councillor in Enfield are the person must be:
- i) 18 years old or older;
 - ii) A British, European Union or Commonwealth citizen; and
 - iii) A registered voter of the London Borough of Enfield or living or working in the borough.
- 2.2 There are legal Rules preventing a person from becoming or continuing as a Councillor (for instance if they are an employee of the Council or have been adjudged bankrupt, have been sentenced to a custodial sentence or have been disqualified from being a Councillor under the Local Government Act 2000).

3. ELECTION AND TERMS OF COUNCILLORS

- 3.1 The regular election of councillors will be held on the first Thursday in May every four years. The terms of the office of councillor will start on the fourth day after being elected and will finish on the fourth day after the date of the next ordinary election.

4. ROLES AND FUNCTIONS OF ALL COUNCILLORS

- 4.1 All councillors will:
- (i) Collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions;
 - (ii) Represent their communities and bring their views into the Council's decision-making process, i.e., become the advocate of and for their communities;
 - (iii) Contribute to the good governance of the area and actively encourage community participation and resident involvement in decision-making;
 - (iv) Be available to represent the Council on other bodies;
 - (v) Maintain the highest standards of conduct and ethics;

- (vi) Effectively represent the interests of their ward and of individual constituents; and
- (vii) Respond to constituents' enquiries and representations fairly and impartially.

5. RIGHTS AND DUTIES OF COUNCILLORS AND CO-OPTED MEMBERS

- 5.1 Councillors will have such rights of access to those documents, information, land, and buildings of the Council as is necessary for the proper discharge of their functions and in accordance with the law.
- 5.2 Councillors will not make public information, which is confidential or exempt, without the consent of the Council, or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

6. CONDUCT

- 6.1 Councillors will at all times observe the Members' Code of Conduct and the Planning Committee Code of Conduct set out in Part 5 of this Constitution.
- 6.2 Members are required to register interests in certain matters, including their employment or businesses and certain financial interests in local companies, contracts, and land. The register is open to inspection by members of the public and can be viewed by calling in to the main reception at the Civic Centre.
- 6.3 Any member who receives direct payment, apart from their members allowances, from the Council should make a monthly declaration to the Monitoring Officer.

7. ALLOWANCES

- 7.1 Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme.

Chapter 2.3 - Residents and the Council

1. RESIDENTS' RIGHTS

1.2 Residents have the following rights.

Voting and petitions

1.3 Citizens on the electoral roll for the area have the right to vote and sign a petition.

Information

1.4 Citizens have the right to:

- (i) Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) Attend meetings of the Cabinet when key decisions are being considered;
- (iii) Find out from the Key Decision List what key decisions will be taken by the Cabinet and when;
- (iv) Make representations to the Executive that decisions which it intends to take in private should instead be taken in public, and to receive a response;
- (v) See reports and background papers, and any records of decisions made by the Council and the Executive, subject to certain exemptions and restrictions;
- (vi) Inspect the Council's accounts and make their views known to the Council's external auditor;
- (vii) Inspect the register of members' interests;
- (viii) Obtain a copy of this Constitution; and
- (ix) Report on meetings that are open to the public using any communication methods.

Participation

1.5 Residents have the right to:

- (i) Contribute to the work of the Overview and Scrutiny Committee;
- (ii) Present a petition to the Council in accordance with the Petition Scheme;
- (iii) Speak on planning applications; and
- (iv) Contact their local Councillor about any matters of concern to them.

Complaints

1.6 Residents have the right to complain to:

- (i) Their local Councillor;
- (ii) The Council itself under its complaints scheme;
- (iii) The Ombudsman after using the Council's own complaints scheme;
- (iv) The Councillor Conduct Committee about a breach of the Councillor's Code of Conduct; and
- (v) The General Purposes Committee about a breach of the officer Code of Conduct.

2. RESIDENTS' RESPONSIBILITIES

2.1 Residents must not be violent, abusive, or threatening to councillors/officers, wilfully harm property owned by the Council, councillors or officers or be disruptive at meetings.

Chapter 2.4 - The Full Council

1. POLICY FRAMEWORK

1.1 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.

1.2 The policy framework means the Corporate Plan and associated strategies or policies which underpin the Council's delivery, including any policy the law requires must be approved by full Council.

1.3 This includes the following:

- (i) Annual Council Budget;
- (ii) Equal Opportunities Policy;
- (iii) Equalities Objectives;
- (iv) Local Plan;
- (v) Children and Young Person's Plan;
- (vi) Strategy for Housing;
- (vii) Strategy for Preventing Homelessness;
- (viii) Corporate Procurement Strategy;
- (ix) Joint Health and Wellbeing Strategy;
- (x) Safer and Stronger Communities Plan;
- (xi) Youth Justice Plan;
- (xii) Strategies relating to providing high quality services for looked after children;
- (xiii) Strategies relating to the way in which the council provides the Council's services to customers, service users and the community;
- (xiv) Strategies relating to how the Council will achieve the Council's vision for children and young people, including strategies relating to education, skills, and early help; and
- (xv) Strategies relating to how the Council will achieve the Council's vision for libraries, parks, green spaces, leisure and culture, economic development, and commercialisation.

Budget

- 1.4 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.

2. FUNCTIONS OF THE FULL COUNCIL

- 2.1 Only the Council will exercise the following functions:

- (i) Adopting and changing the Constitution;
- (ii) Approving, adopting, and amending the policy framework, the budget, and any application to the Secretary of State in respect of any Housing Land Transfer;
- (iii) Setting the Council Tax and Council Tax Base, rents in respect of the Council's dwellings and related properties.
- (iv) Approving the Council's Capital Programme, including approving a specific list of prioritised additional schemes.
- (v) Subject to the urgency procedure contained in the Council Procedure Rules, 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;
- (vi) Appointing the Mayor, Deputy Mayor, Statutory Committees (including Councillor Conduct Committee) and Associate Cabinet Members and the Overview and Scrutiny Committee; electing and removing the Leader.
- (vii) Agreeing and/or amending the terms of reference for committees and panels, deciding on their composition, and making appointments to them;
- (viii) Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (ix) Adopting a Members' Allowances scheme under Part 6 of this Constitution;
- (x) Changing the name of an area, conferring the title of honorary alderman or freedom of the borough;
- (xi) Confirming the appointment and dismissal of the Chief Executive;

- (xii) Terminating the contract of employment of the Chief Executive or of an Executive Director, (subject to compliance with any statutory procedures);
- (xiii) Making, amending, revoking, re-enacting, or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (xiv) All local choice functions which the Council decides should be undertaken by itself rather than the executive;
- (xv) All other matters which, by law, must be reserved to Council;
- (xvi) Deciding recommendations made to Council by the Cabinet and other relevant Council bodies;
- (xvii) Considering motions and questions;
- (xviii) Deciding reports and proposed work programmes on the recommendation of the Overview and Scrutiny Committee;
- (xix) Dealing with all matters relating to the variation or transfer of Council powers;
- (xx) Debating any matter considered to be of significant community interest or impact; and
- (xxi) Dealing with matters referred to it under the call-in procedure set out in of this constitution.

3. COUNCIL MEETINGS

3.1 There are three types of Council meeting:

- (i) The Annual Meeting;
- (ii) Ordinary meetings; and
- (iii) Extraordinary meetings.

3.2 They will be conducted in accordance with the Council Procedure Rules in this Constitution.

4. RESPONSIBILITY FOR FUNCTIONS

4.1 The Council will set out within this Constitution the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

Chapter 2.5 – Scrutiny

1. PURPOSE

- 1.1 The Overview and Scrutiny Committee is required to take an independent leadership role in the Council's aim of continuous improvement in the performance of its functions and to hold decision-makers to account.
- 1.2 The role of scrutiny committees is therefore:
- (i) To develop and review policy;
 - (ii) Hold the Cabinet to account; and
 - (iii) Scrutinise the work and impact of our partners on the local community
Scrutiny should be a key mechanism for enabling Councillors to represent the views of their constituents and other organisations to the Council.

2. TERMS OF REFERENCE

- 2.1 The leadership and co-ordination of the Council's scrutiny function will be the responsibility of the Overview and Scrutiny Committee. The Committee's terms of reference will be:
- (i) Development, co-ordination, and implementation of the overall scrutiny annual work programme;
 - (ii) Establishing, prioritising, and allocating workstreams and leads for the year and the membership of the standing panels, through which the Council will discharge its powers of scrutiny in relation to Health and Crime;
 - (iii) Commissioning 'task and finish' review via lead members;
 - (iv) Reviewing executive decisions under the Call-in procedures;
 - (v) Ensure that the Education statutory co-optees are provided with the support they require (those co-optees have voting rights, but only on matters relating to Education);
 - (vi) Leading consultation on the Budget;
 - (vii) To develop its own work programme, taking a risk based prioritised approach as agreed by Council in June 2014;
 - (viii) To receive petitions and consider Councillor Calls for Action as set out in the Constitution; and
 - (ix) To take responsibility for the scrutiny of monitoring reports both external and internal.

3. POWERS OF THE OVERVIEW AND SCRUTINY COMMITTEE

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

- (i) Right of information from the Cabinet and the Executive (those who manage and deliver services);
- (ii) Right to make comments and recommendations to the Cabinet and the Council's Management Board and to receive reasoned responses;
- (iii) Right to comment or make recommendations to Council on matters reserved to the Council at the same time as the Cabinet make recommendations on those matters;
- (iv) Right to make recommendations to the Council on other matters through an annual report;
- (v) Power to request information from other bodies and the public;
- (vi) Right to visit different locations;
- (vii) Right to have reports published, including minority reports;
- (viii) Power to set up enquiries, or to recommend to Council the setting up of enquiries;
- (ix) Power to hold hearings on particular topics;
- (x) Power to co-opt up to 3 people without voting rights (in addition to the Education Statutory Co-optees);
- (xi) Power to appoint independent expert advisers;
- (xii) Right to establish sub-groups/workstreams responsible for carrying out scrutiny reviews, enquiries, and hearings on behalf of the Committee. These will be time-limited and report their findings to the Committee and will enjoy the same powers as set out in this section with the exception of this provision;
- (xiii) The right to require the attendance before it of any Cabinet Member, and any officer at Head of Service or above.

4. SCRUTINY

4.1 Scrutiny will:

- (i) Monitor and evaluate the performance of relevant services and functions;
- (ii) Review relevant services and functions;

- (iii) Arrange and undertake relevant scrutiny reviews that cut across service groups and deal with issues thematically;
- (iv) Review the effectiveness and appropriateness of relevant Council policies, including assessment of the effectiveness of policy implementation;
- (v) Propose and recommend improvements to the Council's services, functions, and policies;
- (vi) Review the Council's performance in achieving community consultation, improvement and participation and make recommendations for improvement;
- (vii) Comment and advise on service, policy and other proposals made by the Cabinet or the Council's Executive Management Team, including comment to the Council on the Executive's recommendations;
- (viii) Consider, comment on, and propose amendments to the budget proposed by the Executive;
- (ix) Review decisions made under delegated authority and make comments and recommendations to the Cabinet and the Council's Management Board;
- (x) Consider and comment on reports from internal and district audit;
- (xi) Consider and comment on the Annual Report of the Council's Monitoring Officers' Meeting;
- (xii) Review action taken in response to petitions and deputations and make comments and recommendations to the Cabinet and the Council's Management Board;
- (xiii) Review and/or scrutinise decisions made, or actions taken in connection with any Council function'
- (xiv) Make reports and/or recommendations to the full Council and/or the Executive;
- (xv) Receive the Council's corporate priorities from the Leader at its first meeting after each annual council meeting on the Executive's priorities for the coming year and its performance in the previous year;
- (xvi) Exercise the right to call-in for reconsideration of decisions made but not yet implemented by the Cabinet (and any other Council decision making body except Planning or Licensing Committees and appeal hearings);
- (xvii) Such other functions as the law shall dictate.

5. SCRUTINY OF HEALTH & WELLBEING

Purpose

- 5.1 The Council discharges the scrutiny functions conferred by the Health and Social Care Act 2012 and Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 through the Overview and Scrutiny Committee.

Health Scrutiny Functions

- 5.2 The Overview and Scrutiny Committee and Health Scrutiny Panel will:
- (i) Scrutinise the planning and provision of local health services and through this process contribute to the continuous improvement of health services and services that impact upon health.
 - (ii) Respond to consultations by NHS bodies and provide dates and publish timeframes for its decision-making process on proposals for substantial developments.
 - (iii) Comply with regulations formalising arrangements for health scrutiny.
 - (iv) Consider matters referred to the Council by the local Healthwatch and respond within 20 days.
 - (v) Scrutinise Public Health services commissioned by the Council / Health and Wellbeing Boards.
- 5.3 The following provisions are preserved:
- (i) Enable health scrutiny to review and scrutinise any matter relating to health services in its area;
 - (ii) Require NHS bodies to provide information to and attend before meetings of the committee;
 - (iii) Make reports and recommendations to relevant NHS bodies and to the Local Authority;
 - (iv) Require health providers to respond within a fixed timescale; and
 - (v) Require health providers to consult local authorities on proposals for substantial variations to the local health service.

Rights and Powers on Health Scrutiny

- 5.4 Health Scrutiny rights and powers of the Council are as follows:
- (i) Power to work directly with representatives of local NHS bodies in order to identify potential items for inclusion in an initial health and wellbeing scrutiny work programme;
 - (ii) Right of information from the Cabinet and the Executive (those who manage and deliver services);

- (iii) Right to make comments and recommendations to the Cabinet and the Council's Management Board and to receive reasoned responses;
- (iv) Right to comment or make recommendations to Council on matters reserved to the Council at the same time as the Cabinet make recommendations on those matters;
- (v) Right to make recommendations to the Council on other matters through an annual report;
- (vi) Power to request information from other bodies and the public;
- (vii) Right to visit different locations;
- (viii) Right to have reports published, including minority reports;
- (ix) Power to set up enquiries, or to recommend to Council the setting up of enquiries;
- (x) Power to hold hearings on particular topics;
- (xi) Power to co-opt up to 3 people without voting rights;
- (xii) Power to appoint independent expert advisers;
- (xiii) Right to establish workstreams responsible for carrying out scrutiny reviews, enquiries, and hearings on behalf of the committee. These will be time-limited and report their findings to the committee and will enjoy the same powers as set out above with the exception of this provision; and
- (xiv) Power to require the attendance of any officer of a local NHS body (as defined in the Health and Social Care Act 2012) to attend before the committee/workstream to answer questions.

6. POLICY FRAMEWORK

- 6.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Cabinet's Budget and Policy Framework Procedure Rules.
- 6.2 The Committee will comply with the requirements of the Council's aims as stated from time to time in its strategic directions.
- 6.3 They will work within the same policy framework as the Cabinet.
- 6.4 It is open to the Overview and Scrutiny Committee to propose changes to the Council's policy framework. Such proposals must be made to the Cabinet in the first instance. It will then be for the Cabinet to decide whether to recommend the proposed changes, where appropriate in amended form, to the Council.

- 6.5 When the Council considers a recommendation from the Cabinet as above, the Council must also consider any proposal by the Committee to vary the recommendation before deciding the matter.
- 6.6 Where the Overview and Scrutiny Committee's recommendation, as above, is not accepted by the Cabinet in whole or in part, the Overview and Scrutiny Committee can include the recommendation in a report to the Council.

7. SPECIFIC FUNCTIONS

Policy Development and Review

- 7.1 Policy Review by the Overview and Scrutiny Committee in pursuit of their agreed purpose can be of existing Council policy or of the need for a new policy. This can include policy within which the Cabinet and the Council's Executive Management Team exercise delegated authority.
- 7.2 The Overview and Scrutiny Committee may:
- (i) Assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - (ii) Conduct research and other consultation in the analysis of policy issues and possible options;
 - (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iv) Question members of the Cabinet and Chief Officers about their views on issues and proposals affecting the area;
 - (v) Liaise with other external organisations and stakeholders in the area, whether national, regional, or local, to ensure that the interests of local people are enhanced by collaborative working.

Performance Review

- 7.3 The Overview and Scrutiny Committee may review performance within the following framework:
- (i) Scrutiny will be of the Council and not the performance of individual officers;
 - (ii) The annual programme of review and scrutiny by the Overview and Scrutiny Committee will be devised within the scope of the Council's Performance Management Framework;
 - (iii) Scrutinising performance outside the framework in the two bullet points above will be with the agreement of full Council following consultation with the Cabinet;

- (iv) The Overview and Scrutiny Committee will build on its programme of performance and service review activities and incorporate these into its annual programme;
- (v) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (vi) Review and scrutinise the performance and impact of other public bodies with and bounding the area and invite reports from them by requesting their representatives to inform the Overview and Scrutiny Committee and local people about their policies, activities, and performance.

7.4 The Overview and Scrutiny Committee may:

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

8. INDEPENDENCE

- 8.1 The Overview and Scrutiny Committee is independent of the Cabinet and other parts of the Executive.
- 8.2 The Overview and Scrutiny will co-operate with the Executive in pursuit of the Council's aims and will help to ensure the effective operation and planning of the Council's business.

9. FINANCE

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

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

10. OFFICERS

10.1 The Chief Executive, Executive Directors and Directors or their representatives may attend Overview and Scrutiny Committee and will attend when requested to do so.

10.2 The Scrutiny Officer and Democratic Services Officer supporting the Overview and Scrutiny Committee will also attend and give advice at all meetings including those held in private.

10.3 The Overview and Scrutiny Committee, or an Executive Director may request the participation of the Council's Monitoring Officer in a scrutiny meeting.

11. MEMBERSHIP

11.1 All councillors, except members of the Cabinet, may be members of the Overview and Scrutiny Committee. No member may be involved in scrutinising a decision in which they have been directly involved.

11.2 The Chair, Vice Chair and members of the Committee will be appointed by the full Council at its Annual Meeting.

11.3 The balance of membership between the party groups will comply with the legal requirements of proportionality.

12. CO-OPTees

General Co-optees

12.1 The following paragraphs will apply if the Committee decides to exercise its power to co-opt.

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

12.3 Co-optees will be appointed for no longer than one municipal year ending with the Annual Meeting of the Council. Subject to the decision of the Committee no co-optee will normally be allowed to serve continuously for more than two municipal years and will stand down for one municipal year ending in May before being eligible again for co-option, unless otherwise agreed.

12.4 The Executive Director Resources, in consultation with the Group Leaders, Chief Executive and other Directors as appropriate, will identify and recommend for appointment suitable individuals for co-option.

12.5 Co-optees must meet the following criteria:

- (i) Should live or work within the Borough of Enfield or have a significant local connection;
- (ii) Be able to demonstrate a reasonable knowledge of the Council's role and services;
- (iii) Should not be employees of the Council or of an organisation contracted to provide services on behalf of the Council; and

12.4 The role of a co-optee will be voluntary. They will be able to claim travel and other legitimate expenses.

Education Representatives

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

- (i) Church of England diocese representative;
- (ii) 1 Roman Catholic diocese representative;
- (iii) parent governor representatives; and
- (iv) 1 representative of other faiths or denominations.

12.6 These co-optees will be able to vote, but only on matters relating to schools and pupils who attend them. These representatives shall not vote on other matters, though they may stay in the meeting and speak.

12.7 These co-optees will also be eligible to participate as voting members in any workstreams, established by the Overview and Scrutiny Committee, for the purpose of reviewing education issues. In addition, the Committee may include a representative from the Enfield College Principals Group as a non-voting co-opted member.

13. APPOINTMENT OF INDEPENDENT EXPERT ADVISERS

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

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

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

13.4 Independent advisers may receive payment for travel and other legitimate expenses.

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

13.6 The criteria for candidates will be as follows:

- (i) Must be able to demonstrate an expert knowledge of the subject in question;
- (ii) Should have no contact with the Borough of Enfield which could be seen as being prejudicial to their independence; and
- (iii) Should not be employees of the Council or of an organisation contracted to provide services on behalf of the Council.

14. STATUTORY SCRUTINY OFFICER

14.1 The Head of Governance and Scrutiny is designated as the Council's Statutory Scrutiny Officer whose function is:

- (i) To promote the role of the Authority's Overview and Scrutiny Committee;
- (ii) To provide support to the Authority's Overview and Scrutiny Committee and the Members of that Committee;
- (iii) To provide support and guidance to the Executive, Members and Officers of the Authority.

Chapter 2.6 – The Cabinet

1. ROLE

- 1.1 The Cabinet is the political leadership of the local authority. It has a key role in delivering services, proposing the budget and policy framework to the Council and in promoting and complying with the Council's aims and strategic priorities.
- 1.2 The Leader shall appoint up to nine Members to the Cabinet, one of whom must be a Deputy Leader and the Leader decides whether particular decision-making powers will be undertaken collectively or by individual Members within Cabinet.
- 1.3 The Cabinet will carry out all functions of the Council which are not the responsibility of other parts of the authority, whether by law or under this Constitution. Included in this are all local choice functions as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the approval of the making of all Compulsory Purchase Orders and establishing any companies or trusts or acquiring share capital in companies other than on behalf of the Pension Fund Investment Panel.
- 1.4 Any reference to the Cabinet within this Constitution is a reference to the Leader and such Members as the Leader may appoint.

2. PURPOSE OF CABINET

- 2.1 The purpose of the Cabinet is to:
 - (i) Make recommendations on major policy objectives and priorities and resources matters for decision by the Council;
 - (ii) Be the collective consultee on decisions under delegated authority which require cabinet consultation;
 - (iii) Give political direction and guidance to and monitor the performance of the Executive part of the Council;
 - (iv) Deliver the Community Strategy (as determined by Council).
 - (v) Provide political accountability for the Council's performance to the Council and to the Overview and Scrutiny Committee, including performance on financial and human resource matters; and
 - (vi) Foster and improve the Council's performance as a partner with other bodies.

3. LEADER OF THE COUNCIL

3.1 The Leader will be a councillor elected to the position by the Council for a four-year term. The full Council retains the power to remove the Leader by simple majority.

3.2 The Leader will hold office until they:

- (i) Resigns from the office;
- (ii) Are suspended from being a councillor under Part III of the Local Government Act 2000;
- (iii) Are no longer a councillor; or
- (iv) Are removed from office by resolution of the Council

4. OTHER CABINET MEMBERS

4.1 Cabinet Members are appointed by the Leader of the Council.

4.2 Only councillors may be appointed to the Executive. Co-optees or substitutes for Cabinet members are not allowed. The Mayor, Deputy Mayor and members of the Overview and Scrutiny Committee may not be appointed to the Executive.

4.3 Other Cabinet members shall hold office until they:

- (i) Resigns from the office;
- (ii) Are suspended from being a councillor under Part III of the Local Government Act 2000;
- (iii) Are no longer a councillor; or
- (iv) Are removed from office, either individually or collectively, by the Leader of the Council.

5. ASSOCIATE CABINET MEMBERS

5.1 Associate Cabinet Members are accountable to Cabinet and will be invited to attend Cabinet meetings in a non-voting capacity.

5.2 They will be required to produce an annual work programme which will be presented to Cabinet every autumn.

Chapter 2.7 – Regulatory and Consultative Committees and Panels Terms of Reference

1. REGULATORY AND OTHER COMMITTEES

The Council will appoint the committees set out below to discharge the following non-executive functions described.

ADOPTION PANEL
Appointed by: Council
Proportionality: Does not apply
<p>Membership: 2 members of the Council: 1 majority and 1 opposition</p> <p>Also:</p> <ul style="list-style-type: none"> ● The Chair to the Panel with experience in adoption work. ● The Vice-Chair who is a member of the panel. ● 5 panel members which must include at least 1 social worker employed by the Agency or appointed independently and at least 1 independent panel member (subject to the Chair being independent also). ● Panel membership should reflect a range of experiences and backgrounds and can include an adopted person over the age of 18 and an adoptive parent. Panel membership should also include the person nominated as the medical adviser to the Agency. ● A central list is held, and panel members are rotated to make up the panel membership each time a panel is due to be held. ● A professional panel advisor, who is a manager from the adoption service, also sits on panel to offer advice on procedures and practice issues if required. The panel advisor is not a voting member.
The membership must be drawn from: As set out in membership
Chair and Vice-Chair appointed by: Head of Service
Public / Private meeting: Private
<p>Quorum: For the Panel to be quorate at least 5 voting members must be in attendance as outlined in the Membership above and can include the Chair or Vice-Chair if necessary.</p>
<p>Frequency: Meetings are held not less than once per month. The venue and times of meetings take into account the availability of applicants. Panel meetings are held at Enfield Civic Centre on the fourth Tuesday of every month.</p>

Terms of Reference:

- (i) A Panel member who has a personal interest in any application should state the nature of the interest to the meeting and not take part in the discussion or decision-making process.
- (ii) When all Panel members are not in agreement the Chair will call for a vote and the majority recommendation will stand. Where Panel is equally divided the Chair will let his/her views be known and the case will be referred to the Agency Decision Maker. In all cases where a consensus view cannot be reached the views of all Panel members will be recorded in the minutes and on the Decision Sheet for the Decision Maker to consider. The Panel may recommend to the Agency Decision Maker to approve or reject applications. The Panel may also defer an application for further information to be re-considered at the next Panel meeting, subject to the additional information being provided. The applicants will be informed of the reasons for deferment in writing.
- (iii) Written records will be kept of Panel's discussions together with recommendations made. Differences of opinion among Panel members will be recorded, together with any dissent from the final recommendation.
- (iv) Records will be kept safely for a minimum of 75 years.
- (v) In the event that an emergency panel needs to be called to facilitate a placement, the Panel Administrator will convene such a meeting, taking care to ensure that the panel is quorate at all times.

Responsibilities

The Panel has four key areas of responsibilities:

- Deciding whether adoption is in the best interests of children.
- Approval of adoptive applicants.
- 'Matching' a child in need of an adoptive family with the most suitable approved applicants.
- Quality Assurance.

CORPORATE PARENTING GROUP**Appointed by:** Council**Proportionality:** Does not apply**Membership:**

4 members of the Council: 2 majority and 2 opposition including:
 Lead Member for Education, Children's Services & Protection
 and Shadow Cabinet Member for Children's Services
 and 2 x additional Councillors

Plus:

Children's Services:	Director of Children's Services Asst Director for Children's Social Care Head of Service for Looked After Children Head of Virtual School & HEART Team Manager Designated Nurse Service Manager Leaving Care/LAC
KRATOS Members:	Chair of Kratos Deputy Chair of Kratos
Education Services:	Chief Education Officer
Health Services:	Head of Children's Health Commissioning
Safeguarding:	Head of Safeguarding
Enfield Foster Care Association:	FCA Chairperson
Cheviots Children's Disability Service:	Head of Service / Service Manager
Youth Services:	Deputy Head of Youth Support Service Participation Team Manager Targeted Youth Engagement Worker
Local FE college:	College of Haringey and North East London
Housing Representatives:	Housing Options and Advice Health, Housing & Adult Social Care

The Group shall have the power to co-opt other members as appropriate.

Each member of the Group can nominate a deputy who will attend in their absence, if appropriate and subject to the agreement of the Chair

The membership must be drawn from: As set out in membership**Chair and Vice-Chair appointed by:**

The group will be chaired by the Lead Member for Education, Children's Services & Protection; and deputised by another councillor chosen at the meeting, should the chair not be present.

Public / Private meeting: Private**Substitutes:** Each member of the Group can nominate a deputy who will attend in their absence, if appropriate and subject to the agreement of the Chair**Quorum:**

No business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present.

Frequency:

The Group shall meet at least 4 times a year with additional meetings to be arranged as agreed by Members.

Terms of Reference:**Purpose of the Group**

To ensure that the Council fulfils its role as corporate parent to its looked after children, young people and care leavers and that Members, partner agencies, officers, and the children in care council work together to provide a coordinated, holistic approach to service delivery and development

Tasks

- (i) To oversee the development of the Corporate Parenting Strategy and to monitor the implementation of the action plan to ensure continuous service improvement
- (ii) To promote the participation, engagement, and influence of looked after children, young people and care leavers in the services which affect them
- (iii) To ensure that the Council's foster carers are involved and engaged with strategic and operational developments
- (iv) To make sure that all constituent services prioritise the well-being of looked after children, young people and care leavers and work together to remove barriers to success and to promote positive outcomes
- (v) To receive and challenge reports on the progress and achievement of looked after children, young people, and care leavers

Meetings

Administrative support will be provided by the Department of Children's Services to complete the following.

- Co-ordination of agenda preparation
- Support the convening of meetings
- Circulation of agendas and papers prior to meeting
- Monitoring and progressing actions agreed by the Group

Scrutiny

The activities of the Corporate Parenting Group will be subject to scrutiny by the relevant scrutiny committee.

Review

These terms of reference will be reviewed annually

COUNCILLOR CONDUCT COMMITTEE**Appointed by:** Council**Proportionality:** Disapplied**Membership:**

4 members of the Council: 2 majority and 2 opposition to include both group whips.

2 substitute members by each group to be appointed at the Annual Council meeting. Substitute members to be permitted in the following circumstances:

- (a) To take the place of an ordinary member from the respective group on the Committee where that member will be absent for the whole of the meeting. Such an appointment would apply for the entire meeting, including where the meeting is reconvened after any adjournment; or
- (b) Where an ordinary member of the Committee is prevented from attending and participating in a meeting due to any disclosable interest they may have in an issue or complaint to be considered. In these cases, the substitute appointment would only apply to the consideration of the relevant item on the agenda.

The committee member who wishes to appoint a substitute member must notify the Monitoring Officer in writing, prior to the beginning of the relevant committee meeting of the intended substitution. Once notification of a substitute member has been received the ordinary member of the committee will not (unless the notice of substitution is withdrawn prior to the start of the meeting) be entitled to attend the relevant meeting or part of the meeting to which the substitution applies as a member of the committee.

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

The membership must be drawn from: As set out in membership**Chair and Vice-Chair appointed by:** Council, with the chair being the majority group whip and the vice-chair being an opposition whip.**Public / Private meeting:** Public**Substitutes:** 2 substitute members by each group to be appointed at the Annual Council meeting. Procedures set out in Membership above.**Quorum:**

No business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present. In no case however shall the quorum be less than 2 members.

Frequency:

Meetings to be scheduled on a quarterly basis but only to meet if there was business to be transacted. Extra meetings can be arranged if necessary.

Terms of Reference:

- (i) To deal with policy, complaints against councillors and issues concerning the members' Code of Conduct.

- (ii) To promote and maintain high standards of conduct by councillors and all co-opted members.
- (iii) To assist councillors and co-opted members to observe their Code of Conduct and all other Codes within the Constitution.
- (iv) To monitor the operation of the Councillors' Code of Conduct and report when appropriate to the full Council on the adoption or revision of the Code and all other codes within the Constitution.
- (v) To consider requests for dispensations by councillors, and co-opted members relating to interests set out in the Code of Conduct.
- (vi) To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee.

EQUALITIES BOARD**Appointed by:** Chair and Vice Chair appointed by Council**Proportionality:** Applies**Membership:** 9 members with up to 9 members from local groups representing the 9 protected characteristics**Public/Private meetings:** Public**Quorum:** 3**Frequency:** minimum 4 times a year**Terms of reference:**

Equalities Board is the forum by which the Council can oversee its processes to eliminate discrimination on the protected characteristics. The following characterises are protected under the Equalities Act 2010:

- age;
 - disability;
 - gender reassignment;
 - marriage and civil partnership;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation
- (i) To monitor the Council's performance against current equality legislation.
 - (ii) To act as a consultative and advisory body with regard to the development of new policies/initiatives and to actively support such initiatives.
 - (iii) To raise awareness of the specific needs of service users in terms of service delivery.
 - (iv) To provide a sounding board for any initiative or proposal that the Council is making and how they may affect the protected characteristics either directly or indirectly.
 - (v) To provide a better understanding of equalities in order to gain knowledge, and to promote awareness and encourage mutual respect.
 - (vi) To encourage the Council to realise the benefits of a diverse workforce that reflects the make-up of the local population.
 - (vii) To encourage the Council support to staff in a manner that encourages them and makes them feel secure in their working environment.
 - (viii) To analyse data and information gained from monitoring, impact assessments and general consultation activity to inform priorities and future practice.
 - (ix) To consider workforce equalities and diversity matters referred to it by the Director of Law and Governance, Human Resources, Audit & Risk Management

FOSTERING PANEL
Appointed by: Council
Proportionality: Does not apply
<p>Membership: 2 members of the Council: 1 majority and 1 opposition</p> <p>Also:</p> <ul style="list-style-type: none"> • The Chair to the Panel must be independent with experience in fostering work, and is also a voting member • The Vice-Chair (who is somebody from the panel membership) and also a voting member • 5 panel members which must include at least 1 social worker employed by the Agency or appointed independently and at least 2 independent panel members • Panel membership should reflect a range of experiences and backgrounds, and can also include an ex-young person in care • A central list is held, and panel members are rotated to make up the panel membership each time a panel is due to be held • A professional panel advisor, who is a manager from the fostering service, also sits on panel to offer advice on procedures and practice issues if required. The panel advisor is not a voting member.
The membership must be drawn from: As set out above
Chair and Vice-Chair appointed by: The Head of Service
Public / Private meeting: Private
Substitutes: No
<p>Quorum: For the Panel to be quorate at least 5 voting members must be in attendance as outlined in the Membership above, including the Chair or Vice-Chair.</p>
<p>Frequency: The Panel meets at least once per month.</p>
<p>Terms of Reference: The Fostering Panel's primary function is to make recommendations about approval of foster carers. The Fostering Service Regulations 2002 state that panels should also give advice and make recommendations on other matters or cases as the fostering service provider may refer to it.</p> <p>The core business of the Fostering Panel is as follows:</p> <ul style="list-style-type: none"> • Approval of new carers. • Review of existing carers. • Approval of long-term carers. • Matching of children to their long-term carers for the over 12's. • Approval of Kinship Carers. • Review of Kinship Carers. • Quality Assurance <p>The Panel Chair produces an annual report on Panel business. Panel meet twice annually to discuss the functioning of Panel, discuss new ways of doing things and introduce all of the changes in paperwork that occur. All Panel members attend two training sessions per year.</p>

GENERAL PURPOSES COMMITTEE**Appointed by:** Chair and Vice Chair appointed by Council**Proportionality:** Applies**Membership:** 9 councillors**Public/Private meetings:** Public**Quorum:** 3**Frequency:** minimum 6 times a year**Terms of reference:**

To consider:

Internal Audit

- (i) The annual Internal Audit Report, including the Head of Internal Audit and Risk Management's Annual Opinion over the Council's assurance framework and internal control environment.
- (ii) The annual risk-based plan of internal audit work, from which the annual
- (iii) opinion on the level of governance, risk management and internal control can be derived. The plan will include the budget requirement and resource plan in terms of audit days needed to deliver the programme of work.
- (iv) The internal audit charter, defining the service's purpose, authority and responsibilities. The charter will cover arrangements for appropriate resourcing define the role of internal audit in fraud-related work and set out arrangements for avoiding conflicts of interest.
- (v) Regular updates from the Head of Internal Audit and Risk Management on audit and investigation activities. These will include progress on delivering the annual programme of work, emerging themes, risks and issues and management's responsiveness in implementing recommendations and responding to Internal Audit. In line with requirements of the Public Sector Internal Audit Standards, performance of the Internal Audit Service and the results of quality assurance and improvement activities will also be reported.
- (vi) Specific internal audit reports agreed between the Chair and the Executive Director Resources or the Chief Executive.
- (vii) The Council's policies on 'Raising Concerns at Work' and the 'Anti-fraud and Corruption strategy'.
- (viii) The implementation of relevant legislation relating to fraud and corruption.

External Audit

- (i) The External Auditor's Annual Letter and relevant reports.
- (ii) Specific reports as agreed with the External Auditor.
- (iii) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (iv) The External Auditor's Report to those charged with governance from the audit of the accounts.

Risk Management

- (i) The strategy for effective development and operation of risk management and corporate governance in the Council to ensure compliance with best practice.
- (ii) Departmental and corporate risk registers.

Procurement and Contracts

- (i) An overview of the Council's Constitution in respect of contract procedure rules, financial regulations and relevant codes of conduct and protocols.
- (ii) Reports on waiving of contract procedure rules.

Other issues

- (i) The Council's annual Statement of Accounts.
- (ii) Any matters referred to it from the Monitoring Officer's meetings.
- (iii) Any issue referred to it by the Chief Executive or a Director, or any Council body for determination.
- (iv) An Annual Report, for submission to Council, summarising the work done by the Committee over the past year and outlining work to be done in the year to come.
- (v) The Council's Annual Governance Statement and to formally agree it.
- (vi) Quarterly updates on the use of Regulation of Investigatory Powers Act 2000 (RIPA).
- (vii) Commissioned work from internal and external audit, the Executive Director Resources or other Council officers

Constitution

- (i) To keep under review and make recommendation to the Council advised by the monitoring officer, on the Constitution to ensure that the aims and principles of the Constitution

Members Support

- (i) Making recommendations to the Council for the adoption or revision of a scheme of allowances, training, and development for Members.
- (ii) To consider issues and develop proposals relating to all aspects of Members' support, including:
 - Administrative and ICT support;
 - Members' enquiries; and
 - Members' wellbeing and office accommodation support.

Elections

- (i) To review and agree the electoral arrangements in the borough relating to the designation of polling districts and polling places in accordance with any provisions of the Representation of the People Acts.
- (ii) To receive reports from the Returning Officer on the conduct of major elections in the Borough, and to make relevant recommendations to Council as necessary in respect of the areas which come within the Council's

jurisdiction.

- (iii) To receive reports from the Electoral Registration Officer on the administration of the Register of Electors and the absent voting process in the Borough, and to make relevant recommendations to Council as necessary in respect of the areas which come within the Council's jurisdiction.
- (iv) To consider consultation papers from government and other bodies (such as The Electoral Commission) on aspects of the electoral process, and to agree the Council's formal responses to such consultations.

HEALTH AND WELLBEING BOARD

Appointed by: Council

Proportionality: Does not apply

Membership:

4 members of the Council as below:

- Chair - Leader of the Council or their appointed representative
- Cabinet Member with responsibilities for Health and Social Care
- Cabinet Member with responsibilities for Education, Children's Services
- Cabinet Member with responsibilities for Public Health

Plus

- Vice Chair - Chair of the local Clinical Commissioning Group (CCG)
- HealthWatch Representative
- CCG Chief Officer
- Director of Public Health
- Director of Adult Social Care
- Executive Director People
- Elected Representative(s) of the Third Sector (Term of office 3 years)
- Representative from Enfield Voluntary Action

Non-Voting Members

- Director of Planning from the Royal Free London NHS Foundation Trust
- Chief Executive from the North Middlesex University Hospital NHS Trust
- Director of Strategic Development from the Barnet, Enfield, and Haringey Mental Health NHS Trust
- Enfield Youth Parliament Representatives x 2
- Strong & Safer Communities Board representative
- Enfield Strategic Partnership representative

Substitute Members

Each EHWPB member can nominate a substitute member to be permitted to attend in the following circumstances:

- (a) To take the place of an ordinary member on the EHWPB where that member will be absent for the whole of the meeting. Such an appointment would apply for the entire meeting, including where the meeting is reconvened after any adjournment; or
- (b) Where an ordinary member of the EHWPB is prevented from attending and participating in a meeting due to any disclosable interest they may have in an issue or complaint to be considered. In these cases, the substitute appointment would only apply to the consideration of the relevant item on the agenda.

The EHWPB member who wishes to appoint a substitute member must notify Democratic Services, prior to the beginning of the relevant meeting of the intended.

Additional members may be appointed to the EHWPB by the agreement of all current

members and Council. Non statutory membership will be reviewed by the EHWB annually.

The membership must be drawn from: As set out above

Chair and Vice-Chair appointed by:

The Chair will be either the Leader of the Council or their appointed representative. The Vice-Chair will be the Chair of the Enfield Clinical Commissioning Group.

Public / Private meeting: Public

Substitutes: Each EHWB member can nominate a substitute member to be permitted to attend as set out in Membership above.

Quorum:

The quorum for the EHWB shall be at least 4 full members or one quarter of the full membership, to include a representative from the Clinical Commissioning Group, and a councillor.

Frequency:

Each year there will be 4 formal meetings of the EHWB as well as any other additional extraordinary Board meetings and between 2-4 development sessions as called by the Board.

Terms of Reference:

Key functions of the Board

- The preparation of the Joint Strategic Needs Assessment (JSNA), Pharmaceutical Needs Assessment (PNA) and Joint Health and Wellbeing Strategy (JHWS)
- Promoting greater integration and partnership between the NHS and local government to improve local health outcomes and reduce inequalities
- Supporting closer working between commissioners of health-related services to improve services for the local population.

Management and administration

The Director of Public Health will be the lead officer for the EHWB supported by the Strategic Partnerships Manager or their representative who will be in attendance at all Board meetings.

The EHWB will be administrated by Enfield Council Democratic Services.

Sub-committees and groups and the Health Improvement Partnership

The EHWB is to appoint sub-committees to discharge their functions in accordance with section 102 of the 1972 Local Government Act.

All sub-committees will have their Terms of Reference and membership approved by the EHWB and will operate in accordance with the requirements of the Board and be focused on activity that is in line with the Terms of Reference and remit of the EHWB.

The key sub-committee is the Health Improvement Partnership (HIP), which operates to support the work and delivery of the EHWB. Its membership will consist

of representatives of each of the Board members.

Supporting groups include the JSNA Steering Group, the JHWBS task & finish group and working groups to support the delivery of key work streams.

Voting

Each full member of the Board shall have one vote and decisions will be made by a simple majority. The Chair will have the casting vote.

Conduct of Business of the Health and Wellbeing Board

- (i) EHWB meetings will generally be open to the public and other councillors except where they are discussing confidential and exempt information. This will need to be in accordance with the requirements of the Local Government Act 1972 as amended.
- (ii) Members of the EHWB will be entitled to receive a minimum of five clear working days' notice of such meetings unless the meeting is convened at shorter notice due to urgency.
- (iii) Any member of the Council may attend open meetings of the EHWB and speak at the discretion of the Chair.
- (iv) Agendas and notice of meetings: There will be formal agendas and reports which will be circulated at least five working days in advance of meetings.
- (v) Exempt and confidential items: There will be provision for exempt or confidential agenda items and reports where the principles of the relevant access to information provisions of the Local Government Act 1972 (as amended) apply.
- (vi) Reports: Reports for the EHWB will usually be prepared by the relevant officer or EHWB member.
- (vii) Reports will be presented by the appropriate EHWB member, and must include advice from relevant officers, including finance and legal implications and reasons for the recommendations.
- (viii) Officer advice: Officer advice will be stated fully and clearly within reports to the EHWB Board.
- (ix) Templates: Formal reports to the EHWB will need to be submitted with the EHWB template, completed in accordance with the Council's report writing guidance.
- (x) Minutes of decisions made at EH&WB meetings: Minutes will be made public within 10 working days of each meeting.

LEARNING DIFFICULTIES PARTNERSHIP BOARD
Appointed by: Council
Proportionality: Does not apply
Membership: 3 members of the Council: 2 majority and 1 opposition Plus, Director of Housing, Health and Adult Social Care (Chair)
The membership must be drawn from: N/A
Chair and Vice-Chair appointed by: Chaired by Director of Housing, Health and Adult Social Care
Public / Private meeting: Private
Quorum: No business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present. In no case however shall the quorum be less than 2 members.
Frequency:
Terms of Reference: (i) To oversee, advise and ensure the development and implementation of the Joint Investment Plan; (ii) To oversee and advise on the development and implementation of the adult aspects of the White Paper Valuing People - A New Strategy for Learning Disability in the 21 st Century; (iii) To develop partnership proposals for the use of Health Act flexibilities, specifically, the development of pooled budgets, lead commissioning and integrated provision; (v) Recommend the level of resource required to implement "Valuing People", either to the constituent funding agencies separately or to the formal Health Act partnership arrangements, and having regard to: 1) The likely increase in demand arising from demographic and other factors. 2) Ensuring that people with learning difficulties derive fair benefit from other mainstream and policy initiatives. 3) The need to maintain levels of NHS investment upon the death of former long stay hospital residents so that adequate levels of funding transfer the new partnership arrangements for future generations of people with learning difficulties; (v) To oversee the inter-agency planning and commissioning of comprehensive, integrated, and inclusive services that provide genuine choice of service options to people in their local community; (vi) To make recommendations to ensure that people are not denied their right to a local service because of a lack of competence or capacity amongst service providers;

- (vii) To recommend effective arrangements to ensure that young people with learning difficulties move smoothly from children's to adults' services;
- (viii) To ensure services are culturally competent, able to meet the different cultural needs of all communities in the area and complying with the duty to promote race equality under the Race Relations (Amendment Act) 2000;
- (ix) To ensure that services fulfil their duties under the Disability Discrimination Act (1995). The Special Educational Needs and Disability Act 2001 removes the exemption of education from disability rights legislation;
- (x) To advise on supporting primary and general health care services to work with people with learning difficulties. To support parents and carers including parents with a learning difficulty. To develop effective links with other agencies and partnerships including Connexions Partnerships, Local Learning Partnerships, Supporting People, and the Benefits Agency;
- (xi) Foster improvements in advocacy services;
- (xii) Foster direct payments; and
- (xiii) To develop effective links with relevant plans and frameworks, including plans for children and young people, Quality Protects, Special Educational Needs Programme of Action, Welfare to Work, Employment Strategy, the Health Improvement Programme, Housing Action Plan, National Strategic Framework for Older People, and the National Strategic Framework for Mental Health.

LICENSING COMMITTEE
Appointed by: Council
Proportionality: Applies Membership of Licensing sub committees should be politically balanced as 2 members to 1, with 1 reserve member from each side.
Membership: A maximum of 15 members of the Council Sub committees of 3 shall be drawn from members of the full committee for any particular meeting. Membership of the sub-committees should be politically balanced as 2 members to 1, with 1 reserve member from each side.
The membership must be drawn from: N/A
Chair and Vice-Chair appointed by: Council
Public / Private meeting: Public
Frequency: As required
Terms of Reference: (a) To discharge and, as may be determined, delegate all the functions of the Council as a Licensing Authority under the Licensing Act 2003 excluding the determination and review of the Council's statement of Licensing policy made under section 5 of the Licensing Act 2003. (ii) To create sub-committees to deal with these delegated functions. (iii) To monitor and review the discharge of the Council's functions as a Licensing Authority. (iv) To make orders designating public places in the borough as places where the consumption of alcoholic liquor is not permitted (Sections 12-16 Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001).

MEMBER GOVERNOR FORUM
Appointed by: Council
Proportionality: Applies
<p>Membership: 5 members of the Council, including the Cabinet Member with responsibilities for education</p> <p>Plus</p> <ul style="list-style-type: none"> • 1 representative (not necessarily the Chair) from each Governing Body nominated by the governors to represent the views of the Governing Body and their School • The Director of Education, Children’s Services and Leisure • 3 education statutory co-optees (nominated annually by the London Diocesan Board for Schools, Westminster Diocese, and the Agency for Jewish Education) • The Chairmen of the Parents’ Forum, Schools’ Forum, and Staff Forum / Joint Consultative Group for Teachers • 1 Headteacher representative from each Sector (nominated by Headteacher’s Conferences) • A Lead Officer of the Education, Children’s Services and Leisure Department • Any member who is unable to attend a Forum meeting may nominate a substitute from within the body they represent to attend that meeting.
The membership must be drawn from: As set out above
Chair and Vice-Chair appointed by: Member Governor Forum
Public / Private meeting: Private
Substitutes: Any member who is unable to attend a Forum meeting may nominate a substitute from within the body they represent to attend that meeting.
<p>Quorum: No business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present. In no case however shall the quorum be less than 2 members.</p>
<p>Frequency: At least 3 meetings per year</p>
<p>Terms of Reference:</p> <p>(i) To consider a range of issues common to both the Council and governing bodies and to make recommendations to the Cabinet, via the Cabinet Member for Education and Children’s Services and any relevant Scrutiny Panel.</p> <p>(ii) To consider matters concerning the Education, Children’s Services and Leisure service referred by school governing bodies, Council Scrutiny</p>

Panels, the Policy Co-ordinating Group, or other educational partners.

- (iii) To receive timely briefings from Education, Children's Services and Leisure officers on matters being presented to school governing bodies.
- (iv) To assist in the development and review of policy including monitoring the impact of the policy.
- (v) To consider priorities for resources in consultation with the Schools' Forum.
- (vi) To consult with and receive suggestions and proposals from the forums representing parents and staff.

PENSION BOARD (ENFIELD COUNCIL LOCAL PENSION BOARD)**Appointed by:** Council**Proportionality:** Applies**Membership:**

3 members of the Council

The Board shall consist of 8 voting members, as follows:

(a) 4 scheme members appointed by the Staff Side after a nomination and selection process with a view to representing all scheme members (including, as far as practicable, those employed or formerly employed by admitted and scheduled bodies) and after consultation with the recognised trade unions;

(b) 4 Employer Representatives, 3 of whom shall be Councillors appointed by the Council and the remaining member shall be appointed by the Administering Authority from nominees of admitted and scheduled bodies.

(c) Up to 3 other members, who are not entitled to vote, appointed to the Board by the agreement of both the Administering Authority and the Board.

(d) Substitutes shall not be appointed.

No person who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.

All representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

The membership must be drawn from: As above**Chair and Vice-Chair appointed by:**

The chair shall be appointed by the Board and

(a) Shall ensure the Board delivers its purpose as set out in the Terms of Reference,

(b) Shall ensure that meetings are productive and effective, and that opportunity is provided for the views of all members to be expressed and considered, and

(c) Shall seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

Public / Private meeting: Public**Substitutes:** Substitutes shall not be appointed.**Quorum:**

A meeting is only quorate when at least 3 representatives are present, including at least 1 scheme member representative and 1 Councillor employer representative.

Frequency:

The Board shall meet at least twice each year.

The chair of the Board with the consent of the Board membership may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

Terms of Reference:

Introduction

This document sets out the terms of reference of the Local Pension Board of Enfield Council (the 'Administering Authority') which is a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

The Board is established by the Administering Authority. It operates independently of the Pension Policy and Investment Committee. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.

Interpretation

The following terms have the meanings as outlined below:

'the Act' means the Public Service Pensions Act 2013.

'the Code' means the Pension Regulator's Code of Practice No 14 governance and administration of public service pension schemes.

'the Committee' means the Pension Policy and Investment Committee, which has delegated decision making powers for the Fund in accordance with Section 101 of the Local Government Act 1972.

'the Fund' means the Fund managed and administered by the Administering Authority.

'the Guidance' means the guidance on the creation and operation of local pension boards issued by the Shadow Scheme Advisory Board.

'the Regulations' means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time).

'Relevant legislation' means relevant overriding legislation as well as the Pension Regulator's Codes of Practice as they apply to the Administering Authority and the Board notwithstanding that the Codes of Practice are not legislation.

'the Scheme' means the Local Government Pension Scheme in England and Wales.

Statement of purpose

The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:

- (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
- (b) to ensure the effective and efficient governance and administration of the Scheme.

Duties of the Board

The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members should be subject to and abide by the code of conduct for Board members.

Establishment

The Board was established, with effect from 1 April 2015, by Council on 25 March 2015. The Board may establish sub-committees.

Terms of Office

The term of office for Board members is until the Annual Council Meeting in 2018 and thereafter for terms of four years, subject to para below. A Board member may be appointed for further terms of office.

Board membership may be terminated prior to the end of the term of office if:

- (a) A Board member is no longer able to demonstrate to the Administering Authority their capacity to attend and prepare for meetings or to participate in required training.
- (b) The representative is withdrawn by the nominating body and a replacement identified.
- (c) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy.
- (d) A Board member who is an elected member becomes a member of the Committee.
- (e) A Board member who is an officer of the Administering Authority becomes

responsible for the discharge of any function of the Authority under the Regulations.

(f) The member resigns.

Conflicts of interest

All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.

On appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the Administering Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Board's conflicts policy and the requirements of the Code.

Knowledge and understanding (including Training)

Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority in line with the requirements outlined above. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed, and updated.

Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework. They shall also participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

Meetings

The Chair shall agree with the Board Secretary an agenda prior to each Board meeting. The agenda and supporting papers will be issued at least 5 working days (where practicable) in advance of the meeting except in the case of matters of urgency.

Draft minutes of each meeting including all actions and agreements will be recorded and circulated to all Board members within 15 working days after the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes.

The minutes may with the agreement of the Board, be edited to exclude items on

the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

The Board Secretary shall ensure that Board members meet and maintain the knowledge and understanding as determined in the Board's Knowledge and Understanding Policy and Framework and other guidance or legislation.

Public access to Board meetings and information

The Board meetings shall be open to the general public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the general public).

The following will be entitled to attend Board meetings in an observer capacity and may speak at the discretion of the Chair.

- (a) Members of the Committee,
- (b) Any person requested to attend by the Board.

The Administering Authority shall publish on the Council's website, as part of the Fund's Annual Report or the Governance Compliance Statement as appropriate, information about the Board to include:

- (a) The names of Board members and their contact details.
- (b) The representation of employers and members on the Board.
- (c) The role of the Board.
- (d) These Terms of Reference.
- (e) Agendas and minutes
- (f) Training and attendance logs
- (g) An annual report on the work of the Board to be included in the Fund's own annual report.

Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

Finance

The Administering Authority may meet the expenses of Board members in line with the Administering Authority's policy on expenses. The Administering Authority will not pay allowances for voting Board members.

The Board shall be provided with adequate resources from the Fund to fulfil its role. The Board will seek approval from the staff of the s151 officer for any expenditure it wishes to make.

Core functions

- (i) The first core function of the Board is to assist the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:
 - (a) Review regular compliance monitoring reports which shall include reports to, and decisions made under the Regulations by the Committee.
 - (b) Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, relevant legislation and in particular the Code.
 - (c) Review the compliance of scheme employers with their duties under the Regulations and relevant legislation.
 - (d) Assist with the development of and continually review such documentation as is required by the Regulations including Governance Compliance Statement, Funding Strategy Statement and Statement of Investment Principles.
 - (e) Assist with the development of and continually review scheme member and employer communications as required by the Regulations and relevant legislation.
 - (f) Monitor complaints and performance on the administration and governance of the scheme.
 - (g) Assist with the application of the Internal Dispute Resolution Process.
 - (h) Review the complete and proper exercise of Pensions Ombudsman cases.
 - (i) Review the implementation of revised policies and procedures following changes to the Scheme.
 - (j) Review the arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme.
 - (k) Review the complete and proper exercise of employer and administering authority discretions.
 - (l) Review the outcome of internal and external audit reports.
 - (m) Review draft accounts and Fund annual report.
 - (n) Review the compliance of particular cases, projects, or process on request of the Committee.

- (o) Any other area within the statement of purpose (i.e., assisting the Administering Authority) the Board deems appropriate.
- (ii) The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:
- (a) Assist with the development of improved customer services.
 - (b) Monitor performance of administration, governance and investments against key performance targets and indicators.
 - (c) Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
 - (d) Monitor investment costs including custodian and transaction costs.
 - (e) Monitor internal and external audit reports.
 - (f) Review the risk register as it relates to the scheme manager function of the authority.
 - (g) Assist with the development of improved management, administration and governance structures and policies.
 - (h) Review the outcome of actuarial reporting and valuations.
 - (i) Assist in the development and monitoring of process improvements on request of Committee.
 - (j) Assist in the development of asset voting and engagement processes and compliance with the UK Stewardship Code.
 - (k) Any other area within the statement of purpose (i.e., ensuring effective and efficient governance of the scheme) the Board deems appropriate.

Relationships

In support of its core functions the Board may make recommendations and requests for information to officers or to the Committee with regard to any aspect of the Administering Authority's function, which shall be responded to as soon as practical.

The Board should report any concerns over a decision made by the Committee to the Committee which must, within a reasonable period, consider and respond to the Board. Where the Board is not satisfied with the response received it may require that a notice of its concern be placed on the website and in the Fund's annual report.

Where the Board is satisfied that there has been a breach of regulation, which has been reported to the Committee under paragraph 33 and has not been rectified within a reasonable period of time, it is under an obligation to escalate the breach. The appropriate internal route for escalation is to the Monitoring Officer and/or the Section 151 Officer (as appropriate).

The Board may report concerns to the full Council or the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.

Board members are also subject to the requirements to report breaches of law under the Act and the Code, and the whistleblowing provisions set out in the Administering Authority's whistle blowing policy.

Review of terms of reference

These Terms of Reference shall be reviewed on each material change to those part of the Regulations covering local pension boards and at least every 4 years.

PENSION POLICY AND INVESTMENT COMMITTEE

Appointed by: Council

Proportionality: Applies

Membership:

14 members of the Council

two non-voting members one employee representative and one admitted body representative.

The Union would be asked to nominate an officer to the role of non-voting employee representative. The admitted body representative would be recruited by putting an advert in a bulletin sent to employers within the Enfield Pension Fund.

The membership must be drawn from: N/A

Chair and Vice-Chair appointed by: Chair by Council

Public / Private meeting: Public

Quorum:

No business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present. In no case however shall the quorum be less than 2 members.

Frequency:

The committee shall meet at least once each quarter.

Terms of Reference:

Committee Responsibilities

The Committee acts with delegated powers from the Council as Administering Authority for the Pension Fund and accordingly:

- takes key policy decisions in relation to the Pension Fund;
- reviews the performance of the Fund’s investments and funding strategies;
- approves admissions into the Fund.

The Committee is accountable to:

Full Council and the Pensions Board.

Committee Structure

- For any matters relating to investments the Independent Professional Adviser appointed by the Committee (if available) and the Fund’s Investment Advisers shall be in attendance.
- For matters relating to the triennial valuation, the Fund’s Actuary shall be in attendance.

Terms of Reference

The Committee shall:

- (i) Keep under review the fund’s long-term strategic asset allocation.
- (ii) Approve the appointment and removal of the actuary, investment managers and investment advisers, following appropriate procurement and selection procedures.

- (iii) Set performance benchmarks and investment guidelines for the investment managers, supervise their activities, and monitor their performance and risk against the benchmarks and guidelines.
- (iv) Give directions to the actuary, investment managers and investment advisers with regard to any matter requiring the consent of the Authority or on which directions are sought.
- (v) Agree the Statement of Investment Principles.
- (vi) Ensure compliance with all relevant best practices for institutional investors and LGPS pension funds.
- (vii) Commission and consider actuarial valuations and set contribution rates.
- (viii) Consider any other policy or investment issue as the Committee see fit.

PLANNING COMMITTEE
Appointed by: Council
Proportionality: Applies
Membership: 12 members of the Council, who shall not be Cabinet.
The membership must be drawn from: Not Cabinet members.
Chair and Vice-Chair appointed by: Chair by Council, Vice-Chair by Planning Committee
Public / Private meeting: Public
Quorum: No business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present.
Frequency: The committee usually meets at least once each month.
Terms of Reference:
(i) The determination of all types of application for development and the use of land submitted under the Town and Country Planning Act 1990 and associated legislation and consents required under associated legislation including Conservation Area Consents, Listed Building Consents and Advertisement Consents.
(ii) The authorisation of enforcement action in respect of any breach of control under the Town and Country Planning Act or associated legislation.
(iii) The authority to refer to the Council for decision any matter falling in a. above if felt necessary and to make recommendations to the Council in respect of such matters.
(iv) The authority to convene Planning Panels in accordance with the terms agreed by Planning Committee on 19.1.99 or any amendment to the terms agreed by resolution of the Committee.
(v) The authority to convene member site visits in respect of any matter falling in a. or b. in accordance with the Code of Conduct agreed by Planning Committee on 20.1.01 or any amendment to the Code of Practice agreed by resolution of the Committee.
(vi) All other functions set out in Part A and Part I (paragraphs 1-12) of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 where applicable.

PLANNING PANELS
Appointed by: Planning Committee
Proportionality: N/A
Membership: Up to 7 members of the Planning Committee
The membership must be drawn from: Planning Committee
Chair and Vice-Chair appointed by: Chair of the Panel to be rotational between political groups
Public / Private meeting: Public
Quorum: No business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present. In no case however shall the quorum be less than 2 members.
Frequency: Panels set up as and when required by the Planning Committee.
Terms of Reference: PURPOSE A non-executive body established to provide an opportunity for: (i) the applicant to explain the proposals and to clarify queries arising; (ii) local residents and organisations to put forward their views at an earlier stage on significant planning applications and issues to officers and representatives of the Planning Committee; and (iii) officers and members to listen to the ideas and issues raised and concerns expressed prior to consideration at a subsequent Planning Committee. The Panel proceedings to be noted and fed back to Committee. The Panels do not have any decision-making powers. TERMS OF REFERENCE (i) To hear proposals from the applicant, agent or other representative on planning applications or issues referred. (ii) To hear representations from interested individuals and groups, and appropriate Ward Councillors on planning applications or issues referred. (iii) To hear representations from external and internal agencies and consultees as necessary on planning applications or issues referred. (iv) To feed back issues raised at the Panel to: 1) The Chair of Planning Committee and Assistant Director (Planning and Transportation); and 2) Planning Committee.
SCHOOL APPEALS PANEL

Appointed by: Panel members shall be appointed for each municipal year by the Director of Education, Children’s Services and Leisure, following consultation with the Cabinet Member for Children’s Services and the Opposition Lead for the Children’s Services Scrutiny Panel prior to each appointment.

Proportionality: N/A

Membership:

A pool of members as below from whom 3 shall be selected for any particular meeting, one of whom must be the member appointed as Chair.

A School Appeals Panel must comprise of at least 1 representative from each category below:

- Lay members as defined in the School Standards and Framework Act 1998; and
- Persons experienced in education or who are acquainted with education conditions in the area of the authority or are parents of registered pupils at school.

The membership must be drawn from: N/A

Chair and Vice-Chair appointed by: School Appeals Panel

Public / Private meeting: Private

Substitutes: N/A

Quorum:

No business shall be considered at committee meetings unless at least one quarter of the total number of members, rounded up to a whole number, is present. In no case however shall the quorum be less than 2 members.

Frequency:

As and when required to deal with appeals.

Terms of Reference:

To deal with appeals made under the School Standards and Framework Act 1998 against:

- (i) Any decision made by the Local Education Authority as to the school at which education is to be provided for a child in exercise of the Authority's functions;
- (ii) Any decision made by or on behalf of the governors of any community or voluntary controlled school maintained by the Authority refusing a child admission to such a school; or
- (iii) Any decision by the Council in respect of the permanent exclusion of a child from an Enfield Local Authority maintained school.

SCHOOLS FORUM

Appointed by: Council

Proportionality: Does not apply

Membership:

1 member of the Council : Chair of Overview and Scrutiny

Cabinet Member for Children's Services to also attend as an observer

The Forum shall consist of the following members:

<u>Schools members</u>		<u>Non-schools members</u>	
No	Type of member	No	Type of member
4	Primary sector Headteachers	1	Early years provider
3	Primary sector governors	1	16 – 19 Representative
1 (2)*	Secondary sector Headteachers	1	Teachers' Committee
1 (2)*	Secondary sector governors	1	Chair, Overview & Scrutiny Panel
5	Academies representatives	1	Head of Admissions
1	Special sector headteacher	1	Education Professional
1	Special sector governor		
1	Pupil Referral Unit headteacher		
<u>1</u>	<u>Special Academy**</u>		

* Schools members representing the maintained secondary sector will total 5 of either 2 or 3 Headteachers or 2 or 3 Governors. In addition, the makeup of schools membership will be reviewed annually to ensure that the membership reflects the total pupil population for each of the different sectors.

**** This provision is required if there is a special academy in the Borough.**

There are a total of 25 members:

- Schools members will be reflective of the pupil population in the different types of schools. This will be assessed annually, but changes will be implemented as vacancies arise;
- non-schools representatives forming a third of the total membership.

(a) The arrangements for the election of schools representatives will be as follows:

- Maintained schools representatives will be elected from the relevant Headteachers' Conferences and governor representatives from the relevant Member Governor Forum or Chairs' Briefing;
- Academy representatives will be elected by seeking nominations from individual academies. Where there are:
 - more nominees than vacancies then the Council will arrange for an election to be held;
 - no or fewer nomination than vacancies then the Council will arrange for the vacancy to be filled by seeking nominations from either the relevant Headteachers' Conferences or the relevant Member Governor Forum or Chairs' Briefing.
- Headteacher of the Pupil Referral Unit will be nominated as a schools member of the

Forum.

(b) The arrangements for non-schools members will be as follows:

- Early year's representative will be nominated from the early year's private, voluntary, and independent sector;
- 14 – 16 representatives will be nominated from the 16 – 19 Strategic Partnership;
- Teachers' Committee will nominate a representative member.

Attendance

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

An officer from the Education & Skills Funding Agency will also attend the Forum meetings as an observer.

A School Business Manager will be nominated by the School Business Management Forum to attend the Forum meetings as an observer.

Substitutes

A member who is unable to attend a meeting may arrange for a substitute to attend to represent the same body and to have voting powers. This is to be notified in writing in advance of the meeting to the Clerk to the Schools Forum and shall remain effective until it is withdrawn.

Schools members may only nominate a substitute member from the same sector of school and with the same role within a school.

Non schools members may only nominate a substitute from the relevant representative body.

The membership must be drawn from: As above

Chair and Vice-Chair appointed by:

- (i) The Forum shall appoint from its membership, excluding non-executive elected members or eligible officers, a Chair and Vice-Chair.
 - (ii) In the event of an election the Chair and Vice-Chair will be appointed by a majority of the votes cast by individual members.
- The Chair and Vice-Chair shall be elected annually. The election for these positions will take place at the first meeting and in subsequent years at the first meeting after the annual meeting of the Council. *(The Forum are advised to bear in mind the potential benefits of regular change of Chair: members are invited to limit re-elections of an individual to the position of Chair in order to avoid periods in the Chair exceeding two years.)*
 - In the event of a casual vacancy occurring in the office of the Chair or Vice-Chair the Forum shall at their next meeting elect one of their members to fill that vacancy and a

member so elected will hold office until the first meeting after the annual meeting of the Council.

- The Chair or Vice-Chair shall cease to hold office if s/he resigns her/his office by giving written notice to the Clerk, or if s/he ceases to qualify as a member of the Forum.

Public / Private meeting: Public

Substitutes: N/A

Quorum:

The quorum for the meeting shall be 9 members representing 40% of the total membership.

Frequency:

The Forum shall meet at least 4 times each year.

Further meetings may be called with the agreement of the Chair or by decision of the Forum or to enable the Forum to carry out its tasks effectively.

Terms of Reference:

Definitions

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

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

The ‘Regulations’ shall mean the

- Schools’ Forums (England) Regulations 2014;
- Local Authority (LA) and School Finance (England) Regulations;
- Minimum Funding Guarantee (MFG) in the Financing of Maintained Schools Regulations.

Functions

- (i) In accordance with Regulations, the Schools Forum of the London Borough of Enfield shall be consulted on:
 - the Local Authority school funding formula;
 - financial arrangements related to the education of pupils with special educational needs, pupil referral units, education other than at school and early years provision;
 - issues, specified in Regulations, in connection with the Schools’ Budget;
 - service contracts.
- (ii) The Council will also consult the Forum on other matters connected with the Schools’ Budget or on matters connected with the LA revenue budgets or capital expenditure as it sees fit.
- (iii) The Forum may scrutinise and challenge the LA’s application of funds to the Schools’ Budget, Delegated Schools’ Budget, Central CSA Budgets and Capital Budgets. It may also scrutinize and challenge DfE/Central Government funding to Enfield Council for education.
- (iv) The Forum may agree or refuse requests from the Local Authority to:

- allocate particular levels of funding to those Central Services as set out in the relevant Regulations
- carry forward a deficit on central expenditure to the next year to be funded from the Schools Budget
- de-delegate funding for services to mainstream schools as set out in the relevant regulations, but with voting restricted to representatives of such schools and by phase
- changes to the local Scheme for Financing Schools

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

- The Forum may request detailed information to assist it in carrying out its functions and the Council will use its best endeavours to provide such information.
- The Forum will abide by any changes to statutory provisions or changes to the regulatory framework for Schools' Funding; the Terms of Reference will be amended to reflect any such requirements.
- The Forum will receive an annual update report covering such issues as pupil number projections, school organisation developments, etc.

Tenure of Office

(i) The maximum length of tenure for schools members will be 4 years subject to members still holding the appointment that makes them eligible for membership. Nominations must be forwarded to the Clerk of Schools Forum by the relevant representative body before a new member attends his/ her first meeting.

It should be noted that the level of representation will be reviewed on an annual basis to reflect any changes in pupil numbers in each phase.

- (ii) While there is only one maintained or academy Pupil Referral Unit within Enfield, there will be no limit for the headteacher of the Pupil Referral Unit.
- (iii) There is no limit on the tenure for non-schools members.
- (iv) A Forum member's appointment shall end if the member concerned, either:
- ceases to hold the office by virtue of which he or she became eligible for appointment to the Forum or
 - the relevant body seeks to replace the member by making a further nomination or
 - his/her term of office as a schools member comes to an end or
 - s/he resigns his / her office as a schools member.
- (v) In light of any review of the Schools & Children's Services (SCS) participation and consultative arrangements, the CSA shall exercise its powers to review the composition and constitution of the Schools' Forum. In so doing, the CSA will ensure that all relevant parties are consulted and that any change continues to comply with the

regulations.

Meetings

- (i) Every member shall be given written notice and an agenda at least seven clear days before the date of the meeting.
- (ii) From time to time the Forum will set up ad hoc working groups to deal in greater detail with matters that require more time than is available in the full Forum meetings and these will be reported to the full Forum meetings.
- (iii) All meetings of the Forum will be open to members of public unless there is a good reason for the business to be conducted in private. Members of the public should contact the Clerk to the Forum, in advance of the meeting, so that the necessary administrative and health and safety arrangements can be made.
- (iv) Interested parties who wish to attend a Forum meeting to make a representation may do so by giving at least 3 working days' notice in advance of the meeting concerned to the Clerk to the Forum. At the discretion of the Forum Chair, the group or a representative of the group may address the Forum.

Public Access

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

Voting

The voting arrangements shall be as follows:

- (a) Voting on the funding formulae will be restricted to schools members and the Early Years provider.
- (b) Voting on items which are subject to de-delegation will be restricted to the relevant maintained schools members only.
- (c) Any other question to be decided at a meeting of the Forum shall be determined by a majority of the votes of members present. In the case of an equality of votes the Chair shall have a second or casting vote.

Conduct and Declarations of Interest

- (i) In carrying out their functions, members of the Forum shall act in accordance with the seven principles of public life set out in the report of the Government Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- (ii) Members will be required to complete an annual Register of Business to declare any interest that might affect a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest.
- (iii) At each meeting, members of the Forum shall declare an interest in any proposal that directly affects a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest. Any member with such an interest shall declare it and withdraw from the discussion and take no part in the

decision. Where it is clear that a decision in which a member has such an interest is likely to arise at a particular meeting, the member concerned may wish to invite a substitute to attend that meeting.

Expenses and Training

- (i) Members of the Forum shall be entitled to claim reasonable expenses as outlined in the CSA's policy for the payment of such expenses.

- (ii) The costs of training course fees and reasonable travel expenses to enable attendance on such courses for members of the Forum to increase their expertise, and knowledge to carry out their Schools Forum duties effectively, will be a first call on the schools' budget. Applications for such fees/expenses should be submitted to the Clerk of the Schools Forum. In the event of a dispute over whether a course should be funded, the Chair of the Schools Forum will be the decision-maker and will take account of the resources available from the budget for the Forum's activities. This budget will be reviewed annually.

STAFF APPEALS, APPOINTMENT AND REMUNERATION COMMITTEE**Appointed by:** Chair and Vice Chair appointed by Council**Proportionality:** Applies**Membership:** 3 members from pool of 13 members including Leader of the Council, Deputy Leader of the Council, Leader of the Opposition**For appointments:**

The membership of each panel is dependent upon the level of the post being filled.

Head of Paid Service Appointment:

(Up to 6 members) Leader of the Council; Deputy Leader of the Council; Leader of the Opposition; and up to 3 other Councillors (split 2 majority: 1 opposition)

Chief Officer & Deputy Chief Officer Appointment: (5 members) (Names to be agreed depending on appointment in question) 3 majority and 2 opposition

For appeals:

3 members one of which should be Chair or Vice Chair + 2 from remaining pool none of whom are members of the committee concerned with the work of the relevant Service Group.

Public/Private meetings: Public when possible**Quorum:** 2**Frequency:** 4 meetings per annum**Terms of Reference:**

Remuneration

- (i) To make recommendations to the Cabinet, and Council if appropriate on strategic pay and remuneration issues relating to staff in posts graded Assistant Director, Director and Chief Executive, plus other salary scales with similar levels of remuneration
- (ii) To consider all elements of the Council's senior management remuneration package, including
 - levels of consolidated/fixed salaries;
 - elements of variable non-consolidated salary payments;
 - any additional pay or non-pay benefits that could be considered as part of the total remuneration package;
 - processes for determining the pay progression of staff;
 - termination payments packages;
 - parameters and process for appointing senior interim or agency staff.

The remit of the Committee will not extend to consideration of the level of remuneration of individual members of staff (within the context of the agreed policy) as these will be covered by individual contracts of employment.

Appointments

- (i) To be responsible for making appointments to all posts at Executive Director and Director level and for making a recommendation for the appointment of the Head of the Paid Service to the Full Council.

Appeals

- (i) To deal with appeals against dismissal, grading, pension entitlement and grievances by Chief Officer and Deputy Chief Officer.

STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE)**Appointed by:** Council**Proportionality:** Does not apply**Membership:**

4 members of the Council (2 Majority and 2 Opposition members) included in the membership:

GROUP A A representative from the following faith communities:

Baptist
Buddhist
Catholic Church
Evangelical Free Churches
Greek Orthodox Church
Hindu
Methodist
Muslim x 3 (working towards representation from the Sunni, Shia, and Turkish Islamic communities)
Orthodox Jewish
Pentecostal Church
Progressive Jewish
Religious Society of Friends
Salvation Army
United Reformed Church

GROUP B 6 representatives appointed by the London Diocesan Board in consultation with the Church of England Area Dean.

GROUP C Secondary Headteacher
Primary Headteacher
Special Headteacher
Primary teachers x 2
Secondary teachers x 2
Special teacher

GROUP D 4 Members of the Council (2 from the majority party and 2 opposition members)
2 officers from the Local Authority

CO-OPTED (non-voting members)

Individual representatives of Enfield faith/belief communities, with an interest and commitment to the work of the SACRE, may be appointed as Co-opted members, with a one-year term of office (renewable).

SACRE has the power to co-opt members as agreed by formal vote by the groups.

All members are entitled to speak and vote on any issue. Co-opted members may speak but not vote at any meeting. SACRE will always try to reach

decisions on a consensus basis but when voting is to be exercised only one vote is allowed from each group A, B, C or D.

In the event of an equality of votes on any issue the Chair may exercise a casting vote.

The membership must be drawn from: As above

All members shall be delegates who are interested in education in general and religious education in particular.

Each member of SACRE shall have a term of office of 3 years and shall remain until the end of their term of office or such time as they will have resigned or removed from membership under the rules dictated by their appointing organisation/body.

Chair and Vice-Chair appointed by: SACRE

The Chair and Vice-Chair shall be chosen from members of the SACRE and shall be elected at the first meeting in each municipal year for a period of two years. In the absence of the Chair or Vice-Chair at any meeting SACRE can elect one of its own members to act as the Chair for that meeting.

Public / Private meeting: Public

Substitutes: No

If members are unable to attend a meeting and wish to contribute to discussion, they should contact the SACRE administrator 24 hours before the meeting. Their comments will then be reported at the meeting.

If a member is absent for 3 or more consecutive meetings for any reason not acceptable to the Council, there shall be deemed to be a vacated place to be filled by the appointing body for that member.

Quorum:

A meeting will only be quorate if there is one representative from each of the Groups.

Frequency:

Usually 4 meetings per year. The dates of the main meetings will be decided at the first meeting in the municipal year.

Terms of Reference:

- (i) Advise the Local Education Authority on such matters connected with religious education in accordance with an agreed syllabus as the authority may refer to the SACRE or as the SACRE may see fit; e.g., methods of teaching, choice of materials, provision of training for teaching staff.
- (ii) Advise the Authority on all matters connected with religious worship in relation to multi-faith acts of worship.
- (iii) Advise and require the Authority to review any agreed syllabus on religious education.
- (iv) Consider complaints concerning RE and the act of collective worship.
- (v) Publish an annual report which will:-
 - 1) specify those areas on which the SACRE has given advice to the Authority;

- 2) describe the nature of the advice given; and
- 3) give reasons why the SACRE felt the need to offer advice to the authority on any matter.

- (vi) Determine the criteria by which requests from Headteachers to withdraw from or modify the requirements of the Act regarding collective worship would be considered.
- (vi) To provide quality input into the RE provision on which Enfield schools can draw and to work towards bringing local faith groups and schools together to enhance the teaching of RE in the Borough.

WARD FORUMS
Appointed by: N/A
Proportionality: N/A
Membership: Comprise all the councillors for the ward in question. In the case of mixed wards, ward members will hold them jointly.
The membership must be drawn from: All councillors for the ward
Chair and Vice-Chair appointed by: Chairing of the ward forum will be agreed amongst all 3 ward councillors themselves (in mixed wards this should normally rotate, at up to annual intervals).
Public / Private meeting: Public
Substitutes: N/A
Quorum: N/A
Frequency: The forums will be arranged by ward members and meet as and when required. The frequency and timing will be at the discretion of the ward councillors.
Terms of Reference: (i) To supplement the surgery work of ward councillors. (ii) To enable ward councillors to engage local people more directly in strategic issues that matter to them. (iii) To enable ward councillors: <ul style="list-style-type: none"> • To create greater local relevance • To create greater accountability • To connect more closely to their residents on matters of strategic importance to them.

Chapter 2.8 - Joint Arrangements

1. JOINT ARRANGEMENTS

- 1.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 1.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- 1.3 Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- 1.4 The Cabinet may appoint members to a joint committee from outside the executive where the joint committee has functions for only part of the area of the authority and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a Member for a ward which is wholly or partly contained within the area.
- 1.5 Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegation.
- 1.6 Where both executive and non-Executive Functions are delegated to a Joint Committee or Board, appointments to the joint Committee or Board will be made by the Council.

2. ACCESS TO INFORMATION

- 2.1 The Access to Information Rules in of this constitution apply.
- 2.2 If all the members of a joint committee are members of the Executive in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.
- 2.3 If the joint committee contains members who are not on the executive of any participating authority, then the access to information rules in the Local Government Act 1972 will apply.

3. DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

- 3.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

3.2 The Executive may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.

3.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

4. ARRANGEMENTS TO PROMOTE WELL BEING

4.1 The Council, in order to promote the economic, social, or environmental well-being of its area, may:

- (i) Enter into arrangements or agreements with any person or body;
- (ii) Co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (iii) Exercise on behalf of that person or body any functions of that person or body.

Chapter 2.9 - Officers

1. MANAGEMENT STRUCTURE

General

- 1.1 The Council will engage staff (referred to as officers) as it considers necessary to carry out its functions.

Chief Officers

- 1.2 The Council will engage persons for the following posts, who will be designated chief officers.

Post	Functions and areas of responsibility
Chief Executive	<ul style="list-style-type: none"> • Head of Paid Service and Chief Policy Adviser; • Legal; • Governance; • Registrars; • Elections; • Health & Safety; • Emergency Planning; • Strategy, Partnerships, Engagement & Consultation; • Partnerships; • Internal Audit & Risk Management; and • Meridian Water.
Executive Director Resources	<ul style="list-style-type: none"> • Chief Finance Officer (s151); • Finance; • Corporate Procurement; • Commercial Services; • Digital, Data & Technology; • Revenues & Benefits; • Financial Assessments; and • Income Collection.
Executive Director Environment & Communities	<ul style="list-style-type: none"> • Communications; • Environment & Operations; • Planning & Enforcement; • Customer Experience & Change; • Transformation; • Customer Operations & Access; • Libraries, Museums & Local Studies; and • Knowledge & Insights Team
Executive Director People	<ul style="list-style-type: none"> • Children & Families Services; • Adult Social Care; • Education; and • Public's Health and Early Intervention & Prevention Services, including Community Safety.

Strategic Director Housing & Regeneration	<ul style="list-style-type: none"> • Housing & Regeneration; • Property & Economy,
Director Human Resources and Organisational Development	<ul style="list-style-type: none"> • Human Resources; and • Schools Personnel Service.

1.3 The Chief Officers are members of the Council's Executive Management Team and share responsibility for:

- (i) Proper governance;
- (ii) Effective performance and financial management;
- (iii) The improvement of services and the achievement of Value-for-Money; and
- (iv) The achievement of effective Partnership working across all relevant sectors in advance of the Council's objectives.

Statutory Posts

1.4 The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Executive Director Resources	Chief Finance Officer
Director Law & Governance	Monitoring Officer
Executive Director People	Director Children's Services
Director Public Health	Director of Public Health
Director of Health and Adult Social Care	Director of Adult Social Services

Structure

1.5 The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

2. FUNCTIONS OF THE HEAD OF PAID SERVICE

Discharge of functions by the Council

- 2.1 The Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

Restrictions on functions

- 2.2 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

3. FUNCTIONS OF THE MONITORING OFFICER

Maintaining the Constitution

- 3.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, staff, and the public.

Ensuring lawfulness and fairness of decision making

- 3.2 After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council, or to the executive in relation to an executive function if he or she considers that any proposal, decision, or omission would give rise to unlawfulness of if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Councillor Conduct Committee

- 3.3 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Councillor Conduct Committee.

Receiving Reports

- 3.4 The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

Conducting investigations

- 3.5 The Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Councillor Conduct Committee.

Proper officer for access to information

- 3.6 The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

Budget and policy framework

- 3.7 The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

Providing advice

- 3.8 The Monitoring Officer will provide advice on the scope of powers and authority to take decision, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

4. FUNCTIONS OF THE CHIEF FINANCE OFFICER

Ensuring lawfulness and financial prudence of decision making

- 4.1 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Administration of financial affairs

- 4.2 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

Contributing to corporate management

- 4.3 The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing advice

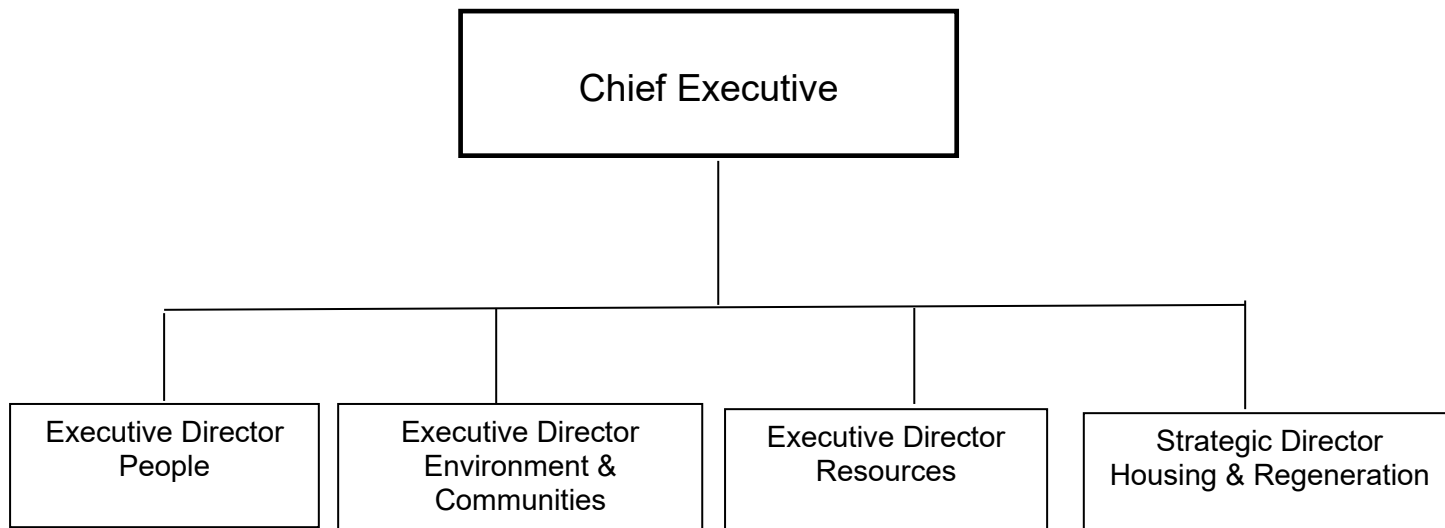
- 4.4 The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.

Give financial information

- 4.5 The Chief Finance Officer will provide financial information to the media, members of the public and the community.

5. DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCE OFFICER

- 5.1 The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.



Chapter 2.10 - Decision Making

1. DECISION MAKING

- 1.1 The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.

2. PRINCIPLES OF DECISION MAKING

- 2.1 All decisions of the Executive will be made in accordance with the following principles:
- (i) Due regard for the individuals and communities served by Enfield Borough Council;
 - (ii) Proportionality (i.e., the action must be proportionate to the desired outcome);
 - (iii) Due consultation in line with the Council's consultation strategy as agreed from time to time and the taking of professional advice from Officers;
 - (iv) Respect for human rights;
 - (v) A presumption in favour of openness;
 - (vi) Clarity of aims and desired outcomes (i.e., link between strategy and implementation; and
 - (vii) Consistent with the Council's Budget and Policy Framework.

3. TYPES OF DECISION

- 3.1 A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules.

Decisions reserved to full Council

- 3.2 Decisions relating to the functions listed in Chapter 4 will be made by the full Council and not delegated.

Key Decisions

- 3.3 A proposal which:
- (1) Involves expenditure/savings of £500,000 or above - this includes proposals phased over more than one year and match/grant aided funding, with a total of £50,000 or above; or
 - (2) Has significant impact on the local community in two or more wards.

4. DECISION MAKING BY THE COUNCIL

- 4.1 The Council, the Cabinet (including any Committee of Cabinet and individual Members of the Cabinet), the Overview and Scrutiny Committee and other Committees and Sub-Committees established by the Council will follow the Rules relating to that body set out in this Constitution when considering any matter.

5. COUNCIL BODIES ACTING ON TRIBUNALS

- 5.1 The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

6. SCRUTINY OF DECISIONS

- 6.1 The Council has appointed Overview and Scrutiny Committees to scrutinise decisions taken by the Cabinet.

Chapter 2.11 - Finance, Contracts and Legal Matters

1. FINANCIAL MANAGEMENT

- 1.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in this Constitution.

2. CONTRACTS

- 2.2 Every contract made by the Council will comply with the Contracts Procedure Rules set out in this Constitution.

3. LEGAL PROCEEDINGS

- 3.1 The Director of Law and Governance is authorised to institute, defend, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Law and Governance considers that such action is necessary to protect the Council's interests.

4. AUTHENTICATION OF DOCUMENTS

- 4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Law and Governance or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 4.2 Any contract excluding those paid for from petty cash entered into on behalf of the local authority in the course of the discharge of any function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer.

5. COMMON SEAL OF THE COUNCIL

- 5.1 The Common Seal of the Council will be kept in a safe place in the custody of the Director of Law and Governance. A decision of the Council, or of any part it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Law and Governance should be sealed. The affixing of the Common Seal will be attested by the Director of Law and Governance, or some other person authorised by him/her.

Chapter 2.12 - Review and Revision of the Constitution

1. DUTY TO MONITOR AND REVIEW THE CONSTITUTION

- 1.1 Through the General Purposes Committee the Director of Law and Governance will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

2. PROTOCOL FOR THE MONITORING AND REVIEW OF THE CONSTITUTION BY THE DIRECTOR OF LAW AND GOVERNANCE

- 2.1 A key role for the Director of Law and Governance is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations to the General Purposes Committee for ways in which it could be amended in order to better achieve its purposes.
- 2.2 In undertaking this task, the Director of Law and Governance may:
- (i) Observe meetings of different parts of the member and officer structure
 - (ii) Undertake an audit trail of a sample of decisions;
 - (iii) Record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
 - (iv) Compare practices in this authority with those in other comparable councils or national examples of best practice.

3. CHANGES TO THE CONSTITUTION

Approval

- 3.1 Changes to the constitution will only be approved by full Council after consideration of the proposal by the General Purposes Committee and where appropriate, the Councillor Conduct Committee.
- 3.2 The Monitoring Officer may 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 General Purposes Committee
- 3.3 If any such amendment to the constitution is not agreed by the General Purposes Committee (as recommended above), the amendment will be referred to full Council for consideration as set out in Chapter 2.12 of the constitution.

Proposed change from Leader and Cabinet form of executive to a mayoral form (i.e., directly elected Mayor)

3.4 The law recognises three basic structures for principal authorities, being the authority's current Leader and Executive structure, a directly elected Mayor structure or an Alternative Arrangements structure.

3.5 The Council may choose to move to a directly elected Mayor structure or may be required to do so where such a move is supported by a local referendum following a petition from local electors. The Local Government and Public Involvement in Health Act 2007 provides for a strong Leader model which gives greater independence to the Leader (Executive Leader) to appoint the Cabinet and to arrange for the carrying out of Executive Functions and provides for the Leader to be elected by Council for a 4-year term of office.

Chapter 2.13 - Suspension, Interpretation and Publication of the Constitution

1. SUSPENSION OF THE CONSTITUTION

Limit to Suspension

1.1 Part 1 of this Constitution may not be suspended. The rules specified below may be suspended by the full Council to the extent permitted within these rules and the law:

(i) **Procedure to Suspend**

A motion to suspend any rules may not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Chapter 1; and

(ii) **Rules Capable of Suspension**

No Chapters of Part 2 of this Constitution may be suspended.

2. INTERPRETATION

2.1 The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Chapter 1.

2.2 Before making a ruling the Mayor shall have regard to the advice of the Monitoring Officer.

3. PUBLICATION

3.1 The Monitoring Officer will:

(i) Provide access to the Constitution to each member of the authority upon delivery to him or her of that person's declaration of acceptance of office as the member first being elected to the Council;

(ii) Ensure that copies are available for inspection online at Council offices, libraries and other appropriate locations and can be purchased by members of the local press and the public on payment of a reasonable fee; and

(iii) Ensure that the summary of the Constitution is made widely available in the Borough and is updated as necessary.