

LONDON BOROUGH OF ENFIELD

COUNCIL – 9 OCTOBER 2013

AMENDMENT SHEET (TABLED)

Item 9: Reference from Members & Democratic Services Group – Amendments to Constitution: Review of Scrutiny Terms of Reference

An amended version of Appendix B to Report No.69A has been attached, which contains a number of additional drafting changes. These have been “tracked” within the attached document, enabling the changes to be highlighted.

Members are being asked to approve the Constitutional changes set out within the revised version of Appendix B (as attached) in place of the original version circulated with the report.

Item 10.2: Councillors Questions

Written Reply to Question 1 from Councillor Stafford

Date referred to at the end of the first sentence to read “2013”.

Item 12: Membership of Committees & Panels

To agree the following additional membership changes:

(1) Housing, Growth & Regeneration Scrutiny Panel

Councillor Bearryman to replace Councillor Lemonides

(2) Green Belt Forum

Councillor Brett to replace Councillor During.

(3) Licensing Committee

Councillor Lamprecht to be replaced by a vacancy

Appendix B Constitution:

Chapter 2.5 - Scrutiny

5.1 PURPOSE

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

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

5.2 THE OVERVIEW AND SCRUTINY COMMITTEE

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

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

5.3 SCRUTINY PANELS

The Scrutiny Panels will

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

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

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

(17) Such other functions as the law shall dictate.

5.4 REMITS OF SCRUTINY PANELS

[Updated : Council 4/5/119/10/13]

The specific remits for each Scrutiny Panel are as follows:

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

	<p>Fostering and Adoption</p> <p>The Third Sector dealing with Children</p>
<p>Crime and Safety and Strong Communities Scrutiny Panel</p>	<p>Social cohesion</p> <p>Anti-social behaviour</p> <p>Community Safety</p> <p>Crime reduction</p> <p>Youth Offending</p> <p>Safer Neighbourhoods</p> <p>Street Crime, Violent crime and Burglary</p> <p>Diverting young people from crime</p> <p>Drug misuse and Alcohol related crime</p> <p>Fear of crime</p> <p>Emergency Planning</p> <p>Monitoring Performance of the Safer Stronger Communities Board</p> <p>Probation</p>
<p>Sustainability and Environment Scrutiny Panel</p>	<p>Urban Environment, Rural Environment</p> <p>Street Scene, Highways, Street Cleansing, Street Lighting</p> <p>Waste, recycling</p> <p>Parks & Open Spaces</p> <p>Leisure, Libraries</p> <p>Wider Environment, rivers, woodlands</p> <p>Traffic and Parking</p> <p>Enforcement Activities including Trading Standards</p> <p>Environmental Health</p> <p>Climate Change, Carbon Reduction, Sustainable Development</p>
<p>Health and Wellbeing Scrutiny Panel</p>	<p><u>All Health Services, NHS Commissioners and providers issues</u></p> <p><u>Commissioning by Enfield CCG and NHS England affecting Enfield</u></p> <p><u>All National Health Service provision including NHS and Foundation</u></p> <p><u>Trusts, Charities and Independent providers</u></p> <p><u>Provision of Primary, Community and Tertiary healthcare</u></p> <p>London Ambulance Service</p> <p>Mental Health and Drug & Alcohol <u>Services</u></p> <p>Joint Borough Commissions</p> <p>Public Health <u>work by both LBE and PHE</u></p> <p>Enfield Health and Health and Well Being Board</p>
<p>Housing, Growth and Regeneration Scrutiny Panel</p>	<p>Enfield HOMES</p> <p>Repairs & Maintenance</p> <p>Housing Needs</p> <p>Assessments</p> <p>Homelessness</p> <p>Temporary Accommodation</p> <p>Private Sector Housing</p> <p>Sheltered Accommodation</p> <p>Estates Management</p> <p>Disabled facilities Grant</p> <p>Revenues & Benefits</p> <p>Inspection Process</p> <p>Registered Social Landlords</p> <p>Local Development Framework</p> <p>Economic Development</p> <p>Employment/Unemployment and Inward investment</p> <p>Business Development</p> <p>Master Planning</p>

5.5 HEALTH & WELLBEING SCRUTINY PANEL

~~————~~ (a) ~~Purpose~~

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

~~————~~ (b) ~~Functions of the Health Scrutiny Panel~~

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

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

~~The Health and Social Care Act 2012 confers the power to determine how Local Authorities discharge their health service review and scrutiny powers upon the Council. The Council may agree to the retention of the Health and Wellbeing Scrutiny panel as the "method of choice" through which it will discharge its duty to review and scrutinise health service issues within the area, or make alternative arrangements such as setting up new committees.~~

~~The regulations extend the councils formal powers to review & scrutinise all relevant NHS bodies and relevant health service providers. This means the council will have the powers to scrutinise a wider range of healthcare providers e.g. charities, and independent providers.~~

~~There is a requirement for the health service to consult the Council and provide dates and publish timeframes for its decision making process on proposals for substantial developments~~

~~The regulations formalise arrangements for scrutinising matters including inviting interested parties to comment on a matter, and the requirement to respond to the Council in 28 days of a request for information, likewise, the Council must respond to a matter referred to by the local healthwatch within 20 days.~~

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

~~(iii)The following provisions are preserved:~~

- ~~(a) Enable health scrutiny to review and scrutinise any matter relating to health services in its area~~
- ~~(b) Require NHS bodies to provide information to and attend before meetings of the committee~~
- ~~(c) Make reports and recommendations to relevant nhs bodies and to the local authority~~
- ~~(d) Require health providers to respond within a fixed timescale~~

- ~~(e) Require health providers to consult local authorities on proposals for substantial variations to the local health service.~~
- ~~(f) The statutory guidance underpinning the regulations is expected to be published later.~~

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

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

- (1) To review and scrutinise any matter relating to Health Services in Enfield, make reports and recommendations to any NHS bodies and the Local Authority, require NHS bodies to provide information and to attend before the committee, require Health providers to consult the Council on substantial variations, ~~Scrutinise~~ scrutinise matters in relation to ~~public~~ Public Health Services commissioned by the Council / Health and Wellbeing Boards
- (2) To develop a knowledge base on health issues both nationally and across the borough (this will include information gathering sessions designed to extend Members' knowledge of the main local health providers and the services they provide);
- (3) Agree with local NHS bodies and other providers working arrangements for Council led health scrutiny arrangements and to identify with them potential items for inclusion in an initial health scrutiny work programme;
- (4) Discuss and agree with neighbouring local authorities, potential arrangements for cross borough health scrutiny;
- ~~(5)~~ To consider any proposals for a 'substantial service change' and consider whether they should be referred to the Secretary of State. While the Council gives delegated power to the panel to make such a referral under regulation 29 of The Regulations, the matter should be referred, via the Overview and Scrutiny Committee if possible, to full Council, unless timescales preclude this.
- ~~(56)~~ Consider revised draft panel terms of reference (based on the DoH guidance when issued) and make recommendations to Council for their adoption and incorporation into the Council's Constitution;

- (67) ~~Oversee the development of council support arrangements for the health~~ Health and Wellbeing scrutiny functions and powers;
- (78) To agree and submit to Council approve, via the Overview and Scrutiny Committee, an annual work programme so as ~~to ensure~~ that the Panel's time is effectively and efficiently utilised;
- (89) To work in partnership with the Council's Overview and Scrutiny Committee;
- (910) To engage the public, the voluntary sector and other interested partners in the Panel's work programme.

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

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

- (1) Power to work directly with representatives of local NHS bodies in order to identify potential items for inclusion in ~~an initial~~ the health Health and Wellbeing scrutiny work programme;
- (2) Right of information from the Cabinet and the Executive ~~(those who manage and deliver services)~~;
- (3) Right to make comments and recommendations to the Cabinet and the Council's Management Board and to receive reasoned responses;
- (4) Right to comment or make recommendations to Council on matters reserved to the Council at the same time as the Cabinet make recommendations on those matters;
- (5) Right to make recommendations to the Council on other matters through an annual report;
- (6) Power to request information from other bodies and the public;
- (7) Right to visit different locations;
- (8) Right to have reports published, including minority reports;
- (9) Power to set up enquiries, or to recommend to Council the setting up of enquiries;
- (10) Power to hold hearings on particular topics;
- (11) Power to co-opt up to 3 people without voting rights;
- (12) Power to appoint independent expert advisers;

- (13) Right to establish sub-committees responsible for carrying out scrutiny reviews, enquiries and hearings on behalf of the panel. These will be time-limited and report their findings to the panel and will enjoy the same powers as set out above with the exception of this provision;
- (14) Power to require the attendance of any officer of a local NHS body (as defined in the Health and Social Care Act 2012) to attend before the Panel to answer questions.
[Updated Council 27/6/07]

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

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

- (a) Right of information from the Cabinet and the Executive ~~(those who manage and deliver services)~~;
- (b) Right to make comments and recommendations to the Cabinet and the Council's Management Board and to receive reasoned responses;
- (c) Right to comment or make recommendations to Council on matters reserved to the Council at the same time as the Cabinet make recommendations on those matters;
- (d) Right to make recommendations to the Council on other matters through an annual report;
- (e) Power to request information from other bodies and the public;
- (f) Right to visit different locations;
- (g) Right to have reports published, including minority reports;
- (h) Power to set up enquiries, or to recommend to Council the setting up of enquiries;
- (i) Power to hold hearings on particular topics;
- (j) Power to co-opt up to 3 people without voting rights (in addition to the Education Statutory Co-optees – see Chapter 5, paragraph 5.14(b));
- (k) Power to appoint independent expert advisers;

- (l) Right to establish sub-groups responsible for carrying out scrutiny reviews, enquiries and hearings on behalf of the Committee/Panel. These will be time-limited and report their findings to the Committee/Panel and will enjoy the same powers as set out in this section with the exception of this provision;
- (m) The right to require the attendance before it of any Cabinet Member, and any officer at Head of Service level or above.

5.7 POLICY FRAMEWORK

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

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

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

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

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

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

5.8 SPECIFIC FUNCTIONS

(a) Policy Development and Review

Policy Review by the Overview & Scrutiny Committee and Panels in pursuit of their agreed purpose can be of existing Council policy or of the need for a new policy. This can include policy within which the Cabinet and the Council's Management Board exercise delegated authority.

The Overview & Scrutiny Committee and Panels may:

- (i) Assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;

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

(b) Performance Review

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

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

The Overview and Scrutiny Committee and Scrutiny Panels may:

- (i) Review and scrutinise the decisions made by and performance of the Cabinet and Council Officers both in relation to single decisions or those made over a period of time;
- (ii) Question members of the Cabinet and Chief Officers about their decisions and performance, whether generally

- in comparison with service plans and targets over a period of time, or in relation to a particular decision, initiatives or projects;
- (iii) Make recommendations to the Executive and/or full Council arising from the outcome of a scrutiny process;
- (iv) To question and gather evidence from any individual (with their consent).

5.9 INDEPENDENCE

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

5.10 FINANCE

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

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

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

5.11 ANNUAL REPORT

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

5.12 OFFICERS

The Chief Executive, Directors and Assistant Directors (or their representatives) may attend Overview and Scrutiny Committee and Panel meetings and will attend when requested to do so. The Lead Officer(s) and Scrutiny Secretary supporting the Overview and Scrutiny

Committee/Panels will also attend and give advice at all meetings including those held in private.

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

5.13 MEMBERSHIP

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

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

—————[Updated: Council 4/5/11]

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

5.14 CO-OPTEEES

General Co-optees

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

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

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

The Director of Finance, Resources and Customer Services (in consultation with the Group Leaders, Chief Executive and other Directors as appropriate) will identify and recommend for appointment

suitable individuals for co-option. This will be based on the following criteria:

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

(b) Education Representatives

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

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

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

5.15 APPOINTMENT OF INDEPENDENT EXPERT ADVISERS

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

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

The periods of appointment will vary according to the wishes and needs of the Overview and Scrutiny Committee or Panel. No adviser

however will be appointed for more than the period designated for a review.

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

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

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

The criteria for selection will be as follows:-

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

5.16 STATUTORY SCRUTINY OFFICER

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

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