

# MUNICIPAL YEAR 2014/2015 REPORT NO. 1

**MEETING TITLE AND DATE:**  
Council - 11<sup>TH</sup> June 2014

**REPORT OF:**  
Director of Finance,  
Resources & Customer  
Services

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**Agenda – Part: 1**

**Item: 8**

**Subject: Amendment to the Constitution:  
Changes to the Political Management &  
Member Engagement Structure**

**Wards: All**

**Key Decision No:**

**Cabinet Member consulted: Cllr Taylor**

## 1. EXECUTIVE SUMMARY

- 1.1 Following the election of a new administration in May 2014, a review has been carried out of political management structures resulting in a number of changes being proposed.
- 1.2 The recommendations set out in this report are designed to enhance Members representational roles, provide the basis for enhanced Member engagement at ward level and to reflect the need of the Council to make substantial savings over the next 4 years in response to significant budgetary constraints.
- 1.3 In addition the report is seeking approval to a change in the deadline for the submission of written motions to Council, which has been agreed via the Members & Democratic Services Group (as detailed in section 3.8)

## 2. RECOMMENDATIONS

- 2.1 That a single standing Overview & Scrutiny Committee (OSC) supported by timed commissions across a range of work streams is agreed, with a further report to be provided for Council on the associated changes to the Council's Constitution and Scrutiny Procedure Rules (as detailed in section 3.4).
- 2.2 That the recommendations arising from the first stage review of wider standing committees are agreed as follows:
  - (a) To reduce the membership of the Planning Committee from 15 to 12 Members
  - (b) To amend the Planning Code of Practice to take account of the Planning Advisory Service review recommendations (as detailed in section 3.5.1).

## **2. RECOMMENDATIONS (cont.)**

- (c) To amend the Terms of Reference for the Members & Democratic Services Group to remove the requirement for the Chair of Overview & Scrutiny Committee to also Chair Members & Democratic Services Group (as detailed in section 3.5.2).
- (d) To amend the Terms of Reference for the Tourism & Town Twinning Working Group by reducing the membership from 6 to 5 and allocating according to the principles of political proportionality (as detailed in section 3.5.2).
- (e) To incorporate the remit for the Remuneration Sub Committee within the Terms of Reference for the Audit Committee (as detailed in section 3.5.1).
- 2.3 That the refreshed approach to Members engaging with their communities at ward level is agreed (as detailed in section 3.6).
- 2.4 That 3 new Associate Cabinet Members roles are agreed to support the strategic delivery of Council objectives and enhance Member involvement, with a further review after 18 months (as detailed in section 3.7)
- 2.5 That the proposed changes to Members Allowances for 2014/15 are agreed (as detailed in section 3.8)
- 2.6 The change in deadline for submission of written motions to Council, from 8 to 12 calendar days, be approved (as detailed in section 3.9 of the report)
- 2.7 That the Assistant Director Corporate Governance is given delegated authority to approve any subsequent amendments to the Constitution arising as a consequence of the above recommendations.

## **3. BACKGROUND**

### **3.1 The context for change**

- 3.1.1 The challenges facing a new administration coming into office at Enfield in May 2014 are hugely significant.
- 3.1.2 Financial pressures continue to act as a spur for innovation and provide the context within which decisions need to be made. It is estimated that minimum savings of £60 million will need to be found during the next four years within Enfield Council to enable the local authority to continue as a viable organisation. This is unprecedented and will require action to preserve future services.
- 3.1.3 The Council will need to be able to do more with less, the resources that have been available to support Members in their duties will no longer be available and there is a need to think creatively and holistically to manage and deliver major change whilst retaining focus

on the administrations strategic aims of 'Fairness for All, Growth and Sustainability, and Strong Communities'.

- 3.1.4 Within this overarching environment it is the administration's wish to become more engaged and accountable as elected Members and to ensure the Council retains clear and robust mechanisms for listening to and representing local people. There is also recognition of the need for the local authority to be more purposeful in championing the needs of its citizens on a spatial and holistic level - to drive forward transformation of those communities in the borough who are most disadvantaged.
- 3.1.5 This report marks an important stage of the review process initiated by the new administration concerning services and activities led by elected Members in view of the severe budgetary constraints being faced.
- 3.1.6 The report contains recommendations that encompass the structure of Cabinet and role of Cabinet Members, the role of Overview and Scrutiny Committee (OSC), and of wider committee structures, the creation of Associate Cabinet Members (ACMs) to help deliver on strategic objectives and a refreshed approach to Member engagement that focuses on ward level engagement.
- 3.1.7 The report contains recommendations that are cost neutral in relation to Members Special Responsibilities Allowances (SRAs) and will allow for savings in officer support costs. They take into account the new operating realities for local authorities. The approach put forward in this report allows for more transparent Member roles, delivery of more flexible and focused working and will contribute positively to the necessary repositioning of the local authority in the context of severely reduced budgetary flexibility, the operational capacity likely to be available and the strategic aims of the new administration.

## **3.2 The current context - Summary**

### **3.2.1 Cabinet**

At present the Cabinet consists of 10 Members structured as follows: Leader, Deputy Leader plus 8 Cabinet Members each with strategic portfolios to lead on.

All Cabinet Members receive an SRA in recognition of the additional work they carry out on behalf of the Council.

### **3.2.2 Overview and Scrutiny**

At present Enfield Council operates a model for delivering the scrutiny function that encompasses 6 themed panels coordinated through an overarching Overview & Scrutiny Committee (OSC), made up of the chairs of

the 6 panels and chaired by a Member with no panel responsibilities. These committees work on annual work programmes that arise from consultation with the Corporate Management Board (CMB) and Cabinet and are subject to regular monitoring. From time to time scrutiny has also undertaken time limited commissions. The Chairs of the Scrutiny Panels receive an SRA as does the Chair of OSC in recognition of the additional work they carry out on behalf of the Council.

Presently the 6 themed panels are: Children & Young People; Crime and Safety and Stronger Communities; Health and Wellbeing; Housing, Growth and Regeneration; Older People and Vulnerable Adults; and Sustainability & the Living Environment.

The structure and operation of these committees has remained largely unchanged since their inception although some of the titles of the panels have been amended over time. This approach was adopted by a large number of local authorities when the scrutiny function was initiated by Government in 2000. Since then many local authorities have slimmed down their scrutiny structures and Enfield needs to do the same. The Enfield approach currently incorporates an additional element for community outreach.

### **3.2.3 Other committees with Member Involvement (First Stage)**

There are a multitude of committees, boards and forums that Members are involved with and this is currently under review. A first stage of work has now completed that focused on the following committees, with details set out in section 3.5:

- Licensing Committee
- Planning Committee
- Pension Board and its Investment sub-committee
- Audit Committee
- Councillor Conduct Committee

Further work is being commenced that will examine the wider range of committees and groups that at present receive/require Member involvement.

### **3.2.4 Primary current Member community engagement structures**

At present primary Member community engagement structures that receive officer support are centred upon the 7 Area Forums that meet quarterly across the borough and the scrutiny function. These are generally sparsely attended and are often not representative of residents. They are supplemented by Member ward surgeries in parts of the borough and other approaches utilised by individual Members.

## **3.3 Outcome of review – New Option**

### **3.3.1 Review of Cabinet structure**

The review of the Cabinet structure takes place on an annual basis when the appointments are confirmed by the Leader and this paper makes no proposals to alter this approach.

### **3.3.2 Overview and Scrutiny function**

Officers have worked with strategic direction from Members that has resulted in the presentation of a preferred option for a future Overview and Scrutiny function that would replace the one presently in operation.

The new option would provide the local authority with the agile, responsive and transparent function it seeks in order to continue to encourage community involvement within a streamlined framework for delivery. It would ensure that statutory obligations to scrutinise Crime and Health issues were maintained as part of any new delivery model coming forward.

The preferred option takes into account how some other local authorities have streamlined their approach to scrutiny.

### **3.4 New Option for Overview and Scrutiny: Create a single standing Overview and Scrutiny Committee (OSC) with 4/5 time limited scrutiny work streams or commissions ('start and finish')**

This model would offer a break with the present structure by creating an approach that is centred on the creation of a single standing OSC that is equipped with the ability to create time-limited review panels or commissions that can undertake work on priority areas. The new OSC would ensure that statutory obligations to cover Crime and Health were maintained as part of its work stream approach.

#### **3.4.1 Main features**

The new structure would see the establishment of a new single OSC function with the following main features:

- A single OSC comprised of 6 Members including Chair (non-Executive Members) – 4 majority and 2 opposition members with the Education Statutory Co-Optees retained to consider and able to vote on matters relating to education.
- All scrutiny activity to take place on a time limited basis (start and finish groups) enacted through scrutiny review panels/commissions
- It is suggested that 4/5 work streams (including Crime and Health) are created, each headed by a lead Member drawn from OSC (not including the Chair).
- An annual work programme would be devised utilising a risk based approach that would prioritise areas to be scrutinised - including Crime and Health
- The new OSC would consider items for the work programme and agree items for inclusion, taking into account resources available

- OSC would retain responsibility for dealing with 'Call-In' and 'Councillor Call for Action' plus petitions

### **3.4.2 Developing the work programme**

A risk based, prioritised work programme would be developed that met the Council's statutory obligations and based on the outcome of a consultation process that includes feedback from Cabinet (individually and collectively), the wider membership, and suggestions received from stakeholders including residents and partners. These would then be assessed and prioritised by the OSC and based on that process, and the resources available, a timetable for the year would be agreed. An Annual Report to Council would be presented at the end of each operational year.

### **3.4.3 Selection of OSC members and panel members**

Selection of the OSC Chair and the 4/5 Chairs of the scrutiny work streams will be agreed by Council as part of the annual review of membership. This will be subject to political proportionality based on the outcome of the elections. Back-bench members would be asked to indicate the general areas of work streams they are interested in serving on, e.g. Crime, Health, Environment, Housing. The whips will keep lists of members who would like to join a group in each area.

### **3.4.4 Enhancing Member involvement in scrutiny work**

It remains of the highest importance that that all back benchers get some exposure to the work of the Council and OSC in setting up and developing work streams. The proposals in this report will ensure every back bencher has the chance to be involved during the year if they wish to do so. This is especially important for newer Councillors and the new system will continue to foster this approach.

### **3.4.5 Implementing the new system**

Implementation would be in keeping with similar London (and other) authorities who have agreed this type of approach. Following agreement of the work programme, the OSC (Chair and work stream leads) will set up review panels to consider specific issues allocated to each work stream. The review panels have a fixed term and have to work to an agreed timetable (start and finish). It is envisaged that no more than 4/5 start and finish task focused panels (one per work stream) be active at any one time given the availability of resources to support the function and to ensure focus is maintained. The work programme process would create consecutive commissions within each of the 4/5 available work streams for the duration of the operational year. The outcome of the work programming process would dictate the total number of panels to be convened over any given operational year taking into account statutory requirements and risk based priorities to ensure coverage is at an appropriate level. Scrutiny Work Stream Chairs can

act as Council spokespersons and be quoted or featured in publicity where it relates to their responsibility on the Council.

The new approach towards scrutiny will also require a review and update of the Scrutiny Procedure Rules within the Constitution, on which a further report will be provided for Council.

### **3.4.6 Officer resource required to support**

The officer resources to support the new arrangements are being reviewed and are the subject of consultation with the staff concerned. These will be finalised in accordance with the Council's agreed processes.

## **3.5 Review of other committees with Member Involvement (first stage)**

**3.5.1** A review has completed focusing on a number of strategic committees as set out earlier in this report (section 3.2.2). The outcomes and recommendations from these reviews are set out below:

- **Review of Licensing and Planning Committees/Panels**

Officers were asked to examine the potential to merge these two functions into a single committee. A review was carried out that looked at the workloads of the relevant functions and the potential for them to be amalgamated.

This review has determined that there is not sufficient benefit in amalgamating the functions to recommend any changes from the existing arrangement (as the current Licensing sub-committee would still need to continue to meet to consider applications on a regular basis [it met monthly in 2013]).

The recommendation is to retain the distinctive Planning and Licensing committee functions (with their current SRA allocations).

The Planning Advisory service has made recommendations about the working of the Planning Committee. These have been considered in detail by the Members & Democratic Services Group and Planning Committee and as a result the following changes are being recommended:

### **(a) Size of Committee**

A reduction in size of the Committee was recommended to provide what PAS felt to be a more manageable number. As a result it has been recommended that the size be reduced from 15 to 12 members. It is not felt that this will compromise the ability of the Planning Committee to operate and will instead improve the effectiveness of its operation.

This will require a change to the Committee Terms of Reference within Part 2 Section 20 of the Constitution:

“12 members of the Council who shall not be Cabinet members nor members of the Conservation Advisory Group or of the Green Belt Forum”

The possibility of training and allowing substitutes was put forward but as a result of consideration by Planning Committee and MDSG it was felt this could cause difficulties in relation to deferred applications and site visits and the suggestion is not therefore being pursued.

**(b) Attendance by Cabinet Members for Business & Regeneration (or equivalent portfolio)**

The membership requirements within the Terms of Reference for the Planning Committee do not allow for Cabinet Members, members of the Conservation Advisory Group or Green Belt Forum to serve as members of the Planning Committee. However, the Planning Committee Code of Practice (Part 5 Chapter 5.2 of the Constitution) does currently permit the Cabinet member for Business & Regeneration to attend the Planning Committee to enable him / her to put forward the Council’s views on relevant matters such as policies in the Local Plan, master planning and urban design and strategic regeneration issues in order to provide a policy context for the Committee’s deliberations on particular matters. The Cabinet member is not a formal member of the Committee and does not have a vote. This role was questioned by the PAS Review of Planning Committee and although it is considered there is merit, MDSG has agreed that the Cabinet Member should no longer be allowed to partake in the discussion at Committee meetings, with comments limited prior to any formal assessment commencing.

This will require the amendment of the final paragraph in section 12 “Protocol for Cabinet Member for Regeneration (or equivalent) to attend Planning Committee” from the Planning Code of Conduct within the Constitution, as follows:

“The Cabinet member will be invited **by the Chair** to comment ~~and participate in the discussions at meetings~~ **on any particular application prior to the start of any formal debate on that item, once any** deputations and contributions from ward councillors **have been received. They will not then be permitted to participate any further in the debate** with their contribution restricted to those matters identified above and will not otherwise participate in the Committee’s decision making process.”

MDSG acknowledged that there was no legal reason why cabinet Members could not be members of the Planning Committee, but agreed that at this time, the current position be maintained.

**(c) Determination of LBE planning applications**

The Planning Committee Code of Practice (Part 5 of the Constitution) requires proposals for the Council’s own development to be reported to Planning Committee for determination. Over the past 18 months, the local planning authority has received a significant number of planning applications for minor



works of refurbishment (i.e. new windows and doors) to existing residential blocks on land in Council ownership but managed by Enfield Homes.

Due to the current wording of the constitution and the Planning Committee “scheme of delegation”, all such applications must be reported to the Planning Committee for determination. As a result, these applications even if submitted by Enfield Homes, are reported to the Planning Committee. Members of the Planning Committee have expressed concerns that the number of Council applications for minor work has increased and is disproportionately taking a lot of meeting time when in the majority of cases, there are no objections or public interest. Such applications increase the size of Agendas. Many of these applications have been of a relatively minor nature but have needed to be reported to Planning Committee because of Council involvement or land ownership. Mindful of this, it is considered improved performance and service delivery could be achieved and that it would more appropriate for these applications to be determined under delegated authority.

It is therefore recommended that Council applications falling within the other category of development (covering applications for changes of use, householder development, adverts and listed building consent) where no objection has been received can be determined under authority delegated to officers. It should be noted that such applications would still be subject to the normal “call in” procedures that apply to all other planning applications that enable members to request an application is considered by Planning Committee.

This will require the following amendment to the final paragraph of section 11 “Development Proposals by Councillors and the Council” to the Planning Code of Conduct within the Constitution:

**“Proposals for the Council’s own development *or where it submits applications on behalf of another party* must be treated in the same as those of private developers save that they must not be dealt with under powers delegated to the officer *unless the proposals fall within the “other” development category (covering applications for changes of use, householder development, adverts and listed building consent) and no objection has been received. In such circumstances, the applications can be determined under authority delegated to officers.*”**

This amendment would also enable applications submitted by the Plan Drawing Service within Development Managements to be determined more efficiently under delegated authority where no objections have been received.

- **Pensions Board & Investment Sub Committee**

After review it is recommended that the Pension Board and its Investment sub-committee not be altered at this stage, though statutory changes later this year will require a review in due course. However the SRA allocated has been lowered (see 3.8). This is a reflection of the expected reduction in responsibilities associated with the role and its workload when compared to

other standing committees that attract an SRA allowance; and the historic pattern of this role often being combined with other roles attracting an SRA. It remains entirely appropriate that an SRA allowance is awarded for leading the Pensions Board given the fund it will continue to have responsibility for.

- **Review of the Audit Committee**

The review of the Audit Committee recognised its effectiveness at present. It has a Remuneration sub-Committee but the workload is too light to justify continuation of a separate meeting. The recommendation from the review is that the Audit Committee remains unaltered (including SRA allocation) and the Remuneration Committee's work is incorporated into the Audit Committee's routine agenda, with the Audit Committee's Terms of Reference amended accordingly.

- **Councillor Conduct Committee**

This function has been reviewed and the recommendation is that its scope and remit remain unaltered.

### **3.5.2 Remaining review of Member involvement in wider committees/structures**

The remaining work to scope out the potential for new recommendations to come forward on the involvement of Members on other committees and strategic forums will be delivered over the summer of 2014. Initial recommendations that have already been identified are as follows:

#### **(a) Members & Democratic Services Group**

As a result of the new scrutiny structure that has been proposed, it is no longer felt that the Chair of Overview & Scrutiny Committee should also chair the Members & Democratic Services Group (MDSG). It is therefore recommended that this be removed as a membership requirement within the Terms of Reference for MDSG.

#### **(b) Tourism & Town Twinning Working Party**

Under the current membership within the Terms of Reference for the Working Party, Council is asked each year to waive the proportionality requirements for this body. The proposal is now to reduce the membership from 6 to 5 with seats being allocated according to political proportionality, which for the new Administration would involve a split of 3:2.

### **3.6 Enabling greater Member involvement at ward level**

#### **3.6.1 Strategic Direction**

The new administration wishes to develop a model that could support greater levels of localised engagement by elected Members at ward level. This would

factor in a need for Members to become more self-sustaining in their work as officers are unlikely to be able to be present to provide support.

### **3.6.2 Implementation Strategy**

An implementation strategy would be developed over the summer that would ensure that new Members were equipped to perform the new direction being given by the Council. This would involve:

#### **i. Focused Ward Forums**

It is proposed that in line with increasing the accountability of Members at ward level that this greater level of interaction be facilitated in part by replacing Area Forums with more locally focused Ward Forums that would not be resourced by officers. This would provide the environment within which Members could develop approaches that would increase their ability to engage with local people.

#### **ii. Identified Premises to hold ward forums and provision of standardised equipment to facilitate Member engagement**

Work will be completed to identify suitable locations in each of the 21 wards to create a secure site where regular ward forums can take place. This information will be made available to Members. A standard specification for equipment for Members and guidance on how digital platforms can enhance interaction with residents will also be supplied. Members will need to give consideration to the frequency of ward forums as it is envisaged that officers will not be able to attend but would provide generic briefing papers and facilitate bookings.

#### **iii. Guidance and toolkit for Members**

A revised induction programme would be created to reflect the new vision for Member engagement and a supporting set of guidance/toolkit materials would be made available to provide the necessary knowledge and reference material to ensure Members are confident in delivering what is required.

#### **iv. Officer facilitative support**

A highly limited amount of officer support will be made available to facilitate the activities of members in their wards. This would not involve officers being present at ward forums.

#### **v. Accountability – regular ward level reporting to Council**

Members will be required to provide regular updates on the business coming forward through surgeries and the actions flowing from them. Templates will be devised to assist with this reporting need

### **3.7 Creation of 3 Associate Cabinet Members (ACMs)**

This approach would be highly innovative and give the Council the opportunity to think in a more dynamic and cross-cutting way.

The selection of ACMs would be determined via the Annual Council process and drawn from the majority party, with a ward councillor from each of the three geographical areas (as described below). The ACMs will also be invited to attend Cabinet meetings, but they will not be executive members or have voting rights. This adapts an approach to extend involvement and enhance cross cutting activity that has been implemented by other local authorities. ACMs can act as Council spokespersons and be quoted or featured in publicity where it relates to their responsibility on the Council.

### **3.7.1 Coverage - spatial area**

It is recommended that the ACMs be responsible for geographically defined areas that reflect a strategically relevant spatial approach. This would mean members being assigned with responsibilities for areas covering Enfield North, Enfield South East and Enfield West.

Each of these spatial areas has active area based regeneration partnerships that would be chaired by the relevant ACMs. The transformation of these areas will be critical to the long term achievement of our strategic objectives for the borough and form a crucial element of the new ACM remit.

A map showing the proposed areas can be found at Appendix 1.

### **3.7.2 Main duties**

- **Chairing Area Based Partnerships and membership of Enfield Strategic Partnership**

Each ACM will be responsible for chairing their respective area based regeneration partnership which will meet quarterly, ensuring that strategic objectives are being met and supporting the ongoing work programme. The ACMs would also take a seat on the Enfield Strategic Partnership Board (ESP), ensuring that any matters that require assistance from the ESP or other partners are acted upon.

- **Provide a focal point for Members issues within their geographical split and include these issues in regular reports into Cabinet/Council**

ACMs will provide a focal point for the Members within the wards covered in their areas and coordinate a reporting function that can be the basis for reporting into Cabinet/Council/ESP. Protocols will be developed to enable ACMs to support Members in ward focussed work.

- **Develop a portfolio of work (work programme) that reflects the character of the area being championed including coordination of cross-ward issues**

The ACMs will be expected to gain a full understanding of the issues and dynamics at play within their spatial area, working with ward members to identify priority needs, coordinating cross-ward issues and lobbying internally and externally on behalf of residents. A mechanism will be developed to ensure regular reporting into Cabinet.

- **Promote the new approach to ward level engagement by Members**

The ACMs will be expected to be at the vanguard of new ways of working for the wider elected membership, providing support to Members in their wards and helping to escalate issues raised where appropriate.

- **Liaison with planning activity in the area being championed**

The ACMs would be expected to be a contact point for local strategic planning issues, and provide support/advice to relevant Cabinet Members. This would not extend to involvement in particular development control applications to maintain the independence of the Planning Committee.

- **Encourage and facilitate liaison with other spatial work being delivered by partner statutory agencies**

The ACM would also develop a robust network of contacts across all statutory agencies to ensure that joint working and information sharing was evident in their designated areas.

### **3.7.3 Evaluation of Impact of ACMs at 18 months**

This is an innovative proposal and it is recommended that a full evaluation of the impact made by implementing the ACM approach is carried out after 18 months and presented to Cabinet (early 2016).

### **3.7.4 The award of an SRA allowance to ACMs**

It is appropriate that an SRA allocation is made to those carrying out this work. This has been set at £7,608 per annum, a level that is in keeping with other local authorities who adopted a similar approach to extending the strategic involvement of Members.

## **3.8 Review of Members Allowances**

At its meeting on 30 June 2010 (Report no.21), the Council made decisions regarding Members Allowances. The main outcome of this was to freeze allowances at their (then) present level and to facilitate the creation of an additional allowance for another Cabinet Member post to be created. Furthermore, a decision was taken that this expansion would not be at the

expense of increasing the overall resource envelope dedicated for this purpose (SRA). Therefore to facilitate the expansion a proportionate reduction was made to all of the ruling administrations SRAs to balance the budget. This was not extended to opposition allowances.

A review was carried out in 2013 that maintained this position for another operational year to March 2014.

Another review into how these allowances are used was carried out in May/June 2014 and the outcomes of it are included in this section. The changes proposed remain cost neutral but allow for some reallocation of existing awards to facilitate the new ways of working being proposed.

### **3.8.1 Review outcomes**

The review outcomes are summarised as follows. The changes proposed will not increase the overall resource envelope for Members Additional Allowances. Members SRA allowances will be frozen again for 2014/15 with the exception of the following recommended changes being implemented to facilitate the new enhanced ways of working.

- It is recommended that an SRA of £7608 per annum is made available to those Members taking up the newly identified roles of Associate Cabinet Members. This is consistent with similar awards made by other local authorities to support activity of this nature and is consistent with the recommendations made in the latest Independent Report of London Members Remuneration (2014).
- The SRA allocation awarded to the Chair of the Pensions Fund Committee is set at £2000 per annum. This reflects the workload associated with this role in comparison to others but acknowledges the importance of function of the Committee.
- A proportionate reduction of 5.2% is made to the SRA allocations awarded to Opposition Leader and Opposition Whip to harmonise them with the proportionate reductions made by majority members SRAs in 2010.
- A reduction is made to the overall Mayors Allowance to facilitate the new ways of working being proposed and that this allowance is therefore set at £17,788 for 2014/15 as a result. This sum includes expenses to cover the hosting of events in the Mayor's Parlour.
- Opposition Deputy Leader should be one of the two opposition members of the OSC and receive an SRA solely for that position.

3.8.2 A summary breakdown of the proposed Members Additional Allowances for 2014/15 can be found at Appendix 2.

### **3.9 Change in deadline for the submission of written motions with notice to Council**

3.9.1 Members & Democratic Services Group (February 2014) were asked to consider a proposal made via the Monitoring Officer Meeting (MoMs) regarding a change in deadline for submission of motions with notice to Council. As an outcome of the discussion at that meeting, further consultation was undertaken with both Groups which have resulted in a change being agreed to the deadline, as detailed below.

#### **Procedure Review**

3.9.2 The current procedure for dealing with motions (Council Procedure Rule 10) states that:

- a. Motions (which must relate to the Council's powers or duties or an issue that affects the Borough) have to be submitted in writing and signed by the Member giving notice.
- b. This notice has to be delivered to the Assistant Director Corporate Governance by 12 noon at the latest 8 calendar days prior to the relevant Council meeting.
- c. Having received the notice the AD Corporate Governance is required to:
  - enter it in the Motions book, which shall be open to inspection by all Members; and
  - include details of all motions for which the relevant notice has been given in the summons (i.e. on the Council agenda) for the meeting.

3.9.3 In practice this means that motions are usually submitted at or just before noon on the same day that the Council agenda is dispatched. In order to ensure the Council agenda is published and dispatched within the statutory timescale (5 clear days in advance of the meeting) there is a need to ensure its content (including motions) has been finalised by early afternoon on the day of dispatch.

3.9.4 Members recognised that the current deadline (noon on day of agenda dispatch) provided a very limited timescale (1-2 hours) to undertake the necessary governance checks in relation to the content of any motions submitted. These checks include:

- (a) does the subject matter meet the criteria for a motion (i.e. does it relate to the Council's powers or duties or involve an issue that affects the borough);
- (b) is the content valid, accurate and suitable for inclusion on a public document; and

- (c) is the motion seeking to either rescind a previous decision or seeking approval for a decision already rejected within the last 6 months.

3.9.5 In order to provide sufficient time for these checks and for any subsequent discussions required with the mover of the motion or relevant Group, Members & Democratic Services Group was asked to consider a recommendation to bring the deadline for submission of written motions with notice forward. The original proposal was to noon 16 calendar days prior to the meeting (which would match that for Council Questions), however as a result of comments made in response to the consultation it has been agreed to recommend 12 calendar days prior to the meeting. If approved, this will now mean written motions having to be submitted by noon on the Friday prior to agenda dispatch. This will provide 2 clear working days for the appropriate checks and any subsequent discussion/negotiation with the relevant Groups/Members to be completed, in advance of agenda dispatch.

3.9.6 If minded to approve the proposed change. Council Procedure Rule 10.1 would need to be amended to reflect the revised deadline, as follows:

10.1 "Every motion shall relate to the Council's powers or duties or an issue that affects the Borough. Notice of every motion, that may not be moved without notice under Paragraph 11, shall be in writing and signed by the Member(s) giving the notice. The notice shall be delivered to the Assistant Director Corporate Governance at the latest (12 noon) 8-12 calendar days prior to the Council meeting. Where a Group submits more than one motion at any one time, it shall indicate the order in which it wishes them to be considered."

3.9.7 The procedure relating to the submission of emergency motions on urgent matters will remain unchanged. This procedure currently states that:

- a. emergency motions should relate to an issue on which the Council has powers or duties or which affects the borough.
- b. Emergency motions should, if possible, be submitted to the Assistant Director Corporate Governance no later than 12 noon on the day of the Council meeting and will not be debated unless seconded and the Mayor agrees to the reasons for urgency.
- c. The reasons for urgency must specify (a) why the usual notice for a written motion could not reasonably have been given i.e. why the issue could not have been foreseen or anticipated prior to the deadline for submission of motions; and (b) why consideration of the matter could not await the next meeting of the Council.



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

- 4.1** The option to continue with the present arrangements were considered but discounted on the grounds that they would not meet the new democratic imperative being sought by the administration and would fail to prepare the Council for future challenges arising from significant future budgetary pressures and changes to wider Government Policy.

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

- 5.1 To confirm the adoption of the new structures flowing from the review instigated by the new administration
- 5.2 To confirm the Members Additional Allowances proposals for 2014/15

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

##### **6.1 Financial Implications**

The reduction in Scrutiny panels will lead to a review of the current staffing structure that provides support to these functions. It recognised some costs will be re-cycled to support the Ward forums but there will be a net saving to the Council from this re-structure. Once this review has been undertaken the savings will be incorporated into the Council's Medium Term Financial Plan.

The Council will look to re-deploy any affected staff , however, should the review lead to redundancies within the existing staff, one-off redundancy costs will be met from the Council's redundancy and restructuring reserve.

The amendments to Member's Allowances, are to be contained within existing resources

##### **6.2 Legal Implications**

The recommendations in the report are in accordance with various powers of the Local Authority.

Section 9C of the Local Government Act 2000 (LGA 2000), as amended by the Localism Act 2011, provides that the number of members of a local authority executive may not exceed 10. The recommendations in this report are in accordance with this provision as the associate cabinet members will not be executive members or have voting rights and will not have any powers to make decisions.

Section 9F of the LGA 2000 makes provision for a Local Authority to appoint an Overview and Scrutiny Committee (OSC). The recommendations in this report are in accordance with this power. Under regulation 21 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and section 190 of the Health and Social Care Act 2012 the Council is able to review and scrutinise matters in relation to health and under section 19 of the Police and Justice Act 2006 the Council has a statutory duty to provide a Crime and Disorder Scrutiny Committee. Therefore the Council must ensure that there is a dedicated lead member for each of these divisions.

Regulation 5 of The Local Authorities (Members' Allowance) (England) Regulations 2003 provides that the Council can implement a scheme for payment of Special Responsibility Allowances. The Recommendations in this report are in accordance with this power.

Section 15 of the Local Government and Housing Act 1989 states that political proportionality should be considered when allocating seats for bodies and committees. The recommendations in this report are in accordance with this power.

If the review of the scrutiny staffing structure results in staff being at risk of redundancy, relevant Council policies and procedures, including consultation with affected staff, will be followed. Section 9FB of LGA 2000 makes provision for an appointment of a Scrutiny Officer.

### **6.3 Property Implications**

There are no direct property implications.

Where the ACMs become involved in issues that may affect the Councils property portfolio (redevelopment, acquisitions, disposals changes in occupation etc.) then it is anticipated that they will involve the Strategic Property Services team in considering the implications at that time.

## **7. KEY RISKS**

These proposals have been designed to enhance Members representational roles, provide the basis for enhanced Member engagement at Ward level and to reflect the need of the Council to make substantial savings over the next 4 years in response to significant budgetary constraints.

The changes to the Council's scrutiny function will need to reflect the statutory requirements relating to Health and Crime, which has been recognised in the new option being recommended for approval. Similarly the model provides for a new method of member engagement

at ward level, which will (given the more limited resources available) require members to become more self-sustaining in this role.

Key risks associated with the approach include:

- the need to ensure sufficient Member capacity to carry out their new roles (ACMs and wider changes to Member engagement vehicles). This will be mitigated through the development of guidance and toolkit that will provide Members with a clear and concise supporting resource to help them fulfil their duties. A highly limited amount of officer support will also be in place to assist with basic requirements.
- The need to ensure that the new delivery model for scrutiny is delivered effectively. This will be mitigated by the development of a robust framework to support its working underpinned by a clear understanding that the work programme cannot exceed the resources available
- That effective prioritisation is employed when agreeing the OSC work programme. This will be mitigated by a process that allows for challenge prior to final agreement and sign off.
- That robust evaluation of new scrutiny arrangements and the impact of ACMs will be commenced as timetabled.
- That robust performance management and risk management techniques will be applied to the new ways of working to ensure they remain on track and that improvement planning is enabled should it be required.

All of the above risks will be managed on behalf of the Council by the relevant officers who will report to their DMTs on a regular basis in addition to the presentation of an evaluation report in 2016. The aspects of appropriate new working outlined in the report will also form part of a relevant risk register that will be refreshed regularly.

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

### **8.1 Fairness for All**

The impact on Fairness for All will be positive as the changes proposed will provide fresh impetus for Members to interact with their communities, will provide greater transparency in how the Council does its business and will increase accountability to local people.

### **8.2 Growth and Sustainability**

The proposed changes will impact positively on Growth and Sustainability by helping the Council focus more strategically on cross cutting issues and develop more inclusive solutions. The changes will also encourage wider participation in issues that affect Growth and Sustainability in Enfield by linking Members more directly to area based transformation in some of our most deprived areas. The new structures

themselves will generate greater levels of sustainability as they are better designed to meet future demands facing the Council.

### **8.3 Strong Communities**

The proposals will support the creation and maintenance of strong communities by placing Members closer to their communities and by enabling a more joined up and comprehensive approach to delivering services to local people.

## **9. EQUALITIES IMPACT IMPLICATIONS**

The proposals contained in the report are designed to improve the existing political management arrangements in the light of various drivers for change and following a recent review.

The recommendations seek to improve:

- The operation of decision-making structures in the light of financial pressures, while also delivering improved outcomes for local residents.
- Members' representational roles and their accountability to local communities. It is noted that Enfield's elected Members come from a range of diverse backgrounds representing Enfield's diverse communities.

An equality impact assessment has not been carried out at this stage however, the report acknowledges and highlights that any staff affected by the recommendations will be consulted in accordance with the Council's agreed processes.

The recommendation to reduce the number of Scrutiny Panels will require an EQIA on the likely impact on staffing structures and redeployment following changes to the current Scrutiny functions.

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

Within the new structures being proposed, robust monitoring, reporting and accountability lines will be maintained and where possible enhanced to deliver a high standard of performance management to support the implementation of the changes.

## **11. HEALTH AND SAFETY IMPLICATIONS**

No health and safety issues have been specifically identified at this stage but where venues are agreed for Members to hold ward forums/surgeries a health and safety check will be performed to ensure any venues are fit for purpose.

## **12. HR IMPLICATIONS**

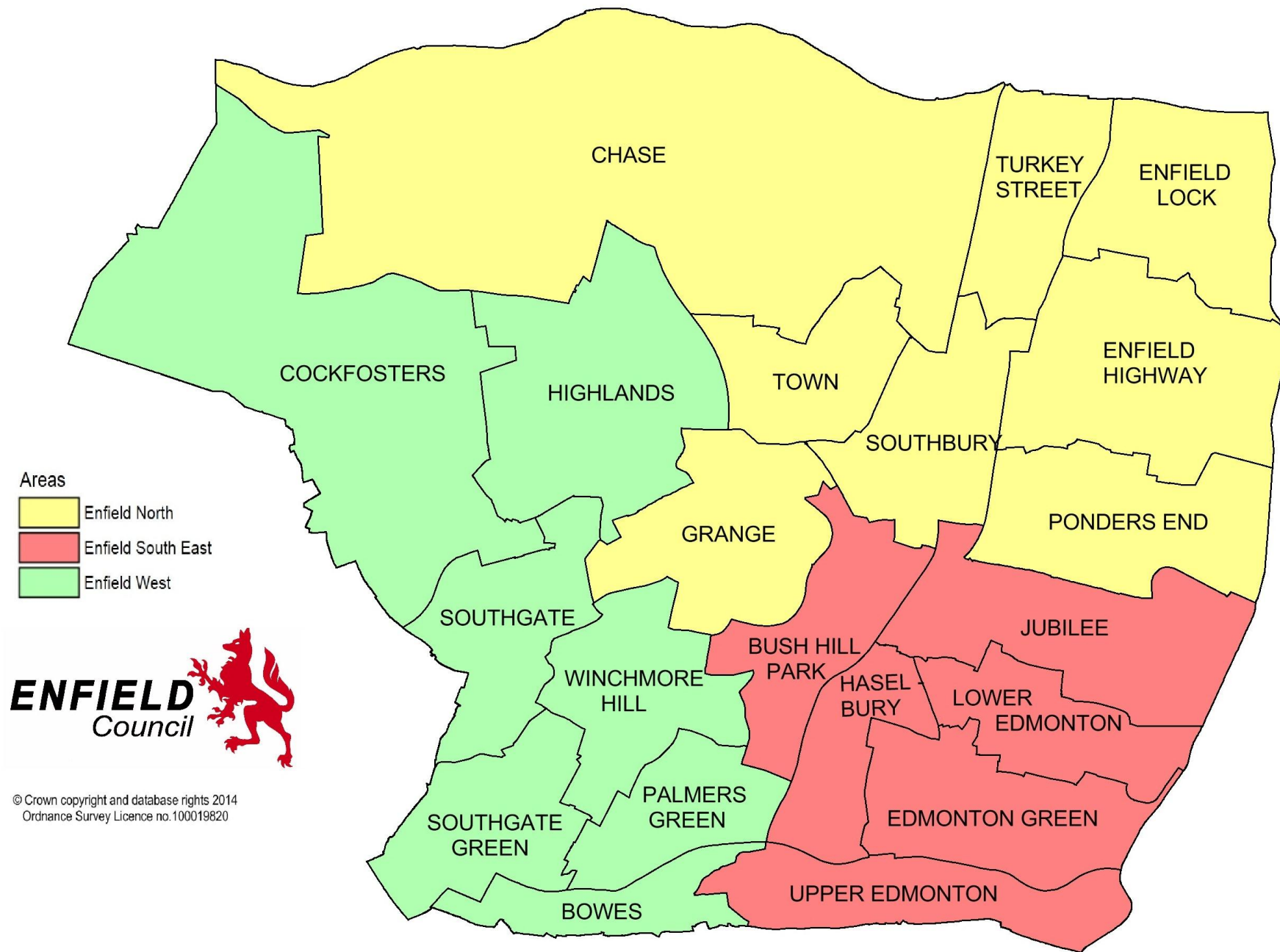
The officer resources to support the new arrangements are being reviewed and are the subject of consultation with the staff concerned. These will be finalised in accordance with the Council's agreed processes.

## **13. PUBLIC HEALTH IMPLICATIONS**

Whilst not directly impacting on Public Health objectives, the proposals as recommended will help to address some of the key wider determinants of health in Enfield by increasing accountability, stimulating transformational change in deprived areas and enabling Members to work more closely with their communities.

## **Background Papers**

None



**Appendix 1: Map illustrating areas of spatial responsibility for Associate Cabinet Members (ACMs)**

## Appendix 2: Members Additional Allowances for 2014/15

Leader of the Majority Party	£26,364
Deputy Leader of the Majority Party	£15,828
Leader of the Opposition Party	£15,828
Majority Party Whip	£8,437
Opposition Party Whip	£4,223
Cabinet Members (x8 @£13,184)	£105,472
OSC Chair & Work Stream Chairs (x6 @£8442)	£50,652
Associate Cabinet Members (x3 @ £7608)	£22,824
Chair of Planning Committee	£8,442
Chair of Licensing Panel	£8,442
Chair of Audit Committee	£8,442
Chair of Pensions Board	£2,000
Mayor	£17,788
Deputy Mayor	£5,876

\*All figures are gross amounts