

MUNICIPAL YEAR 2014/2015 REPORT NO. **34**

MEETING TITLE AND DATE:
Council 16th July 2014

REPORT OF:
Director of Finance,
Resources & Customer
Services

Agenda – Part: 1

Item: 8

Subject:
Amendments to the Constitution arising from changes to the Council’s political management and member engagement structure
Wards: all

Cabinet Member consulted: Councillors Taylor & Georgiou

Contact officer and telephone number:

Claire Johnson 020 8 379 4239

E mail: Claire.Johnson@enfield.gov.uk

1. EXECUTIVE SUMMARY

1.1 Council (11 June 14) approved a number of changes to the Council’s political management and member engagement structure, following a review undertaken after the local election in May 2014.

1.2 The changes approved involved:

- (a) replacing the previous scrutiny structure with a model focussed on a single Overview and Scrutiny Committee (OSC) equipped with the ability to appoint workstreams to undertake “task and finish” reviews on priority areas. This would include establishing two standing workstreams for health and crime to ensure that statutory requirements to scrutinise those issues were maintained as part of the new delivery model.
- (b) replacing the previous Area Forum model for member engagement with a more localised ward based approach; and
- (c) the introduction of 3 new Associate Cabinet Member positions.

1.3 In approving these changes, Council agreed that a further report should be provided setting out the detailed amendments required to the Constitution in order to facilitate the revised structure and method of operation, which have been set out in this report.

2. RECOMMENDATIONS

- 2.1 That the constitutional changes to the procedure rules relating to scrutiny be approved, as detailed in Appendix A of the report.
- 2.2 That the Constitutional changes to the procedures relating to Area Forums be approved, as detailed in Appendix B of the report, in order to reflect the establishment of a more localised ward forum based approach to member engagement.
- 2.3 That reference to the newly created Associate Cabinet Member (ACM) posts be added to the Constitution, as detailed in Appendix C of the report. Council is asked to note (as detailed in 3.5.4 of the report) that the ACM role is also subject to further detailed consideration by Cabinet, and any additional Constitutional changes identified as a result will be reported to Council.
- 2.4 That Council discharges its powers of scrutiny on such matters designated within the Health and Social Care Act 2012, and the Police and Criminal Justice Act 2006 through the Overview and Scrutiny Committee, who will work closely with the standing workstreams in relation to Crime and Health.
- 2.5 Section 9FB of Local Government Act 2000 makes provision for an appointment of a Statutory Scrutiny Officer. At present the Head of Corporate Scrutiny and Community Outreach is the Statutory Officer for Scrutiny within the Council. It is recommended that the current Head of Electoral, Registration and Governance Services be appointed as the Statutory Scrutiny Officer
- 2.6 Council agree to delegate authority for any further administrative amendments to the Constitution arising from the above recommendations Director of Finance Resources and Customer Services.

3. BACKGROUND

- 3.1 The review of the political management and member engagement structure was designed to reflect the new Administration's desire for members to become more engaged with their local communities whilst recognising the significant budget constraints faced by Council and more limited resources that would be available to support members in their role. This will require more flexibility in terms of the way that services and support is provided and a more transparent role for members, focussed around the strategic aims of the Administration.
- 3.2 Following the changes agreed by Council (11 June 14) a review of the Council's Constitution has been undertaken in order to identify the detailed amendments that need to be made to reflect the new political management and member engagement model. The main changes are set out below:

3.3 Overview and Scrutiny Committee

- 3.3.1 Under the previous Administration, Enfield operated a model for delivering the scrutiny function that encompassed 6 themed panels coordinated through an overarching Overview and Scrutiny Committee (OSC), made up of the chairs of the 6 panels and chaired by a Member who was also Chairman of the Members and Democratic Services Group. These committees worked on annual work programmes that arose from consultation with Council Management Board, Cabinet, partners, stakeholders and community. The programmes were subject to regular monitoring. Scrutiny also undertook some significant time-limited commissions. The 6 themed panels were: Children and Young People's , Crime and Safety and Stronger Communities, Health and Wellbeing, Housing Growth and Regeneration, Older People and Vulnerable Adults and Sustainability and Living Environment.
- 3.3.2 The scrutiny model adopted on 11 June 14 replaced this structure with a new model focussed on a single OSC, supported by workstreams with the ability to commission time limited reviews in priority areas. These would include standing workstreams on crime and health.
- 3.3.3 A further report was considered at an informal session of OSC held on 2 July 14, which provided a practical outline of how the revised system would operate in Enfield. This has formed the basis of the amendments to the scrutiny requirements within the Constitution, now being presented for consideration.
- 3.3.4 The main changes to scrutiny involve section 2.5 and 4.2 of the Constitution, however reference to scrutiny is embedded throughout the work of the Council and Constitution, which will require reference to OSC and Scrutiny Panels to be replaced by OSC and its workstreams. Appendix A details the main changes, highlighted as "tracked changes".
- 3.3.5 Chapter 2.5 section 5.5 details the arrangements for dealing with matters designated within the Health and Social Care Act 2012, and Police and Criminal Justice Act 2006.
- 3.3.6 Under the previous system it was appropriate that these powers and duties were conferred to the Health & Wellbeing Scrutiny Panel, and the Crime & Safety and Stronger Communities Scrutiny Panel. However, under the new Scrutiny arrangements these duties and powers will be placed with the Overview & Scrutiny Committee who will work closely with the standing workstreams in relation to Crime and Health.
- 3.3.7 Chapter 2.5 section 5.16 deals with the Council's requirement for a Statutory Scrutiny Officer under section 9FB of LGA 2000. At present

the Head of Corporate Scrutiny and Community Outreach is the Statutory Officer for scrutiny within the Council. It is recommended that the current Head of Electoral, Registration and Governance Services be appointed as the Statutory Scrutiny Officer.

- 3.3.8 Chapter 4.2 of the constitution sets out the procedure rules for Scrutiny. The new model, membership and workstream setting is detailed in this chapter (Appendix A).

3.4 Member Engagement – Ward Forums

- 3.4.1 The changes agreed in relation to Member engagement were focussed around the replacement of the previous Area Forum structure with a new more localised individual ward forum based model.
- 3.4.2 The Ward Forum approach will enable Members to initiate Ward Forums to supplement their surgery work and engage local people more directly on strategic issues that matter to them.
- 3.4.3 Ward Forums will be member-led and the agenda, venue and frequency with which ward forums are held will be at the discretion of those ward Councillors representing their particular ward. With the agreement of all ward councillors forums may meet together..
- 3.4.4 The main changes in relation to Ward Forums involve section 4.4 of the Constitution, with the detailed amendments set out in Appendix B of the report, highlighted as “tracked changes”.

3.5 Associate Cabinet Members

- 3.5.1 In addition to the changes outlined in 3.3 and 3.4 above, Council have also agreed to establish a new Associate Cabinet Member (ACM) role for councillors.
- 3.5.2 The new role will not have formal Executive decision making powers but has been designed to provide a focus within the areas covered for co-ordinating Member engagement and providing a focal point around regeneration and other strategic development initiatives on a cross ward basis.
- 3.5.4 There is a need for the key roles identified for the ACM posts to be reflected within the Constitution, initial changes identified are set out in Appendix C of the report. The detailed role of the ACM's will be subject to further consideration at Cabinet in August and any additional changes identified as a result will be reported to the next Council meeting.

3.6 Other Administrative changes

- 3.6.1 Given the wide ranging nature of amendments needing to be made to the Constitution it is recommended that any subsequent minor administrative changes to wording in the Constitution (arising from the newly introduced political management structure) are delegated to the Director of Finance Resources and Customer Services for approval.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Prior to these arrangements being proposed, research was undertaken of other authorities and various models they operated, to establish the best fit for Enfield.

5. REASONS FOR RECOMMENDATIONS

- 5.1 To update and amend the relevant procedures within the Council's Constitution relating to the changes and restructure of the Council's scrutiny function and Ward Forum arrangements and reflect the creation of the new Associate Cabinet Member position.

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

6.1 Financial Implications

The introduction of Associate Cabinet Members, will be funded by a restructuring of Member's Allowances, and will be achieved within the existing budgets.

Any costs arising from the replacement of Area Forums, with Ward Forums will be met from existing resources.

There are no direct financial implications detailed in this report. Changes to the staffing support for the Scrutiny function will be subject to a separate report.

6.2 Legal Implications

The Council has statutory duties within an existing legal framework to make arrangements for scrutiny of its decisions and service delivery - as well as an increasing number of partners including health and crime. Under s21 Local Government Act 2000 (amended) the Council is obliged to have one or more overview and scrutiny committees. The recommendations set out in this report will help meet the Council's statutory duties and obligations for scrutiny.

Section 19 Police and Criminal Justice Act 2006 stipulates that the Council must scrutinise decisions made or action taken by responsible authorities of their crime and disorder functions, through an overview and scrutiny committee of the Council ('the crime and disorder committee'). Section 17 Crime and Disorder Act 1998 requires the

Council to consider crime and disorder and anti-social behaviour in the discharge of all of its functions. The terms of reference for the standing Crime workstream should reflect and cover the duties set out in legislation.

The power to scrutinise health under s190 Health and Social Care Act 2012 rests with the Council, which has flexibility in determining how to discharge this function. Delegation to the Overview and Scrutiny Committee and its standing health workstream is a lawful exercise of this power. The legislation is underpinned by statutory guidance which the Council and Overview and Scrutiny are bound to have regard to in discharging duties in relation to scrutiny of health.

The functions, rights and powers of the health workstream cover those matters set out in the Local Authority, Public Health, Health and Wellbeing Boards and Health Scrutiny Regulations 2013.

The changes to the Council's Constitution, appended to this report are in accordance with relevant legislation and guidance and will help secure good governance. Should any further legal implications be identified in relation to the proposed changes prior to consideration of the report, these will be identified for members in advance of the meeting.

The recommendation to designate the Head of Electoral, Registration and Governance Services as the statutory scrutiny officer will secure compliance with the Council's duty under s31 Local Democracy, Economic Development and Construction Act 2009 to designate an officer as Statutory Scrutiny Officer.

6.3 Property Implications

None

7. KEY RISKS

The proposed amendments to the constitution reflect the proposed changes and restructure of the political management structure. If changes to the constitution are not undertaken they will not reflect the new model of working and the procedures and rules for Scrutiny and Ward Forums will be unclear and subject to potential challenge.

The changes to the scrutiny function have been designed to reflect the statutory requirements relating to health and crime scrutiny. The changes outlined also provide 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.

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 equalities impact assessment has been undertaken on the new arrangements. They will be subject to monitoring, to ensure objectives are met.

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

The Overview and Scrutiny Committee (OSC) with the Health standing workstream will be directly responsible for the scrutiny of health: all health services, NHS commissioners and providers, including independent providers funded by the NHS, NHS bodies, Public Health, the Health and Well Being Board and Joint Borough Commissions.

Background Papers

None