

## London Borough of Enfield

### Council – Annual Meeting

Meeting Date – 1 July 2020

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**Subject:** Council's Committee Structure and Review of Scrutiny function

**Cabinet Member:** The Leader

**Key Decision:** N/a

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### Purpose of Report

Following review of the Council's Constitution, this report provides proposals for a revised streamlined committee structure and enhancement of the council scrutiny function.

### Proposals

- 1. To agree the revised streamlined Council's committee structure to take immediate effect.**
- 2. To note the review of the Council's scrutiny function carried out by the Centre for Public Scrutiny and agree proposed Scrutiny Panels**
- 3. To agree an additional Associate Cabinet Members focusing on children and young people in the borough.**
- 4. To instruct the Monitoring Officer to make any necessary amendments to the Constitution as a result of these decisions**

### Background

- A complete review of the Constitution was undertaken to ensure that it was fit for purpose and any inconsistencies within the Constitution were amended. The review was split into two phases to make it more manageable. At its meeting on 8 May 2019, the Council agreed to implement phase 1 of the constitution review and Phase 2 was agreed at Council on 26<sup>th</sup> February 2020 and the changes have been implemented.
- A requirement of the review of the Constitution was to provide proposals for a revised structure seeking to streamline the current committees and enhance the scrutiny function.

## Main Considerations for the Council

3. With an objective of to enhancing the scrutiny function, the Council commissioned the Centre for Public Scrutiny (CfPS) to undertake a review the effectiveness of the Council's scrutiny function. The proposals for the new committee structure are based on the response from members and officers and have been endorsed by the CfPS.
4. A copy of the CfPS' findings report is attached as **Appendix 3**.
5. The proposals for change to the scrutiny structure entails a move to seven standing Scrutiny Panels, with the Overview & Scrutiny Committee remaining and overseeing the Scrutiny Panels.
6. The proposed seven scrutiny Panels are:
  - (i) Crime;
  - (ii) Health & Adult Social Care;
  - (iii) Children & Young People;
  - (iv) Regeneration & economic Development;
  - (v) Finance & Performance;
  - (vi) Environment & Climate Action; and
  - (vii) Housing
7. Membership of both Overview and Scrutiny Committee and the Scrutiny Panels will be approved by Council elsewhere on this agenda.
8. Both OSC and the Scrutiny Panels will have work planning sessions at the start of the municipal year to set their work programmes. These work programmes will go to OSC for consideration prior to being approved by Council. All existing workstreams are concluded with immediate effect.
9. The Overview & Scrutiny Committee will maintain management of the Scrutiny function co-ordinating the Panels work programmes and dealing with call-ins, pre-decision scrutiny and overseeing scrutiny of major cross-cutting and corporate issues. This would be the first time the Council has a dedicated scrutiny panel for finance and performance.
10. The proposals are based on feedback received from members who felt that standing panels would provide better accountability, transparency, and improve their involvement.
11. OSC and Scrutiny Panels will be scheduled to meet a minimum of 4 times per year, however, it's likely OSC will meet more often to deal with call-ins and pre-decision Scrutiny.
12. The revised structure for Scrutiny means there is a need to look at the wider committee structure to avoid areas of duplication ensuring that council resources and councillors time are used effectively. The terms of

Reference for the proposed new committees are set out as **Appendix 1**. Summarised below between paragraphs 15 and 24 are the proposals for the revised committees/Boards/Forums.

13. No functions from previous committees have been deleted. The functions have been merged to provide a more streamlined structure, and emphasis has been placed on new Boards and Panels to provide a structure that delivers accountability, transparency on decision making and provides a greater opportunity for engagement.
14. The Council's new proposed Committee structure can be found at **Appendix 2**.

### **Environment Forum**

15. Separate Boards deal with issues affecting the environment and local areas under the current structure. To avoid an inconsistent approach to these issues, it is considered that an overarching Board with local interest groups feeding into this Board would be an effective way for all interested parties to liaise and consider issues together. This Board would deal with issues that currently are undertaken separately by Green Belt Forum, Conservation Advisory Group, and Public Transport Consultative Group.
16. Membership of the Forum would consist of 7 Members of the Council with up to 21 representatives from local groups with an interest in the natural and built environment.

### **General Purposes Committee**

17. The General Purposes Committee will incorporate the following meetings:
  - Audit & Risk Management;
  - Member and Democratic Services Group (MDSG); and
  - Electoral Review Panel.
18. There will be six meetings per annum, the main business on the agenda will relate to Audit and Risk items. Items can be included, when necessary that relate to the functions currently covered by MDSG and the Electoral Review Panel.
19. It won't be necessary to have an item on these subjects at every meeting, they will be on an 'as and when basis'. For example, the electoral Review Panel meets only once or twice a year.

### **Appeals, Appointments & Remuneration Committee**

20. This committee will undertake the functions of the Remuneration Committee, Appointments Panel and Staff Appeals panel.
21. There will be a pool of 13 members including the Leader of the Council, the Deputy Leader of the Council and the Leader of the Opposition.

22. Three members will be selected for the Remuneration Committee function, and for staff appeals and appointments, as is the current practice members will be drawn from the pool, according to the requirements in the terms of reference.

### **Equalities Board**

23. Within the current committee structure there are forums that deal with different equalities issues, but not all the 9 protected characteristics within the Equalities Act are covered. It is therefore proposed that an equalities board is established with representation from Community groups to consider equalities issues to ensure a consistent approach.
24. Membership of the Equalities Board would be 9 Members (6:3) with up to 9 members from local groups representing the 9 protected characteristics within the Equalities Act.

### **Associate Cabinet Member (ACM) Children and Young People**

25. ACMs currently cover three geographical areas in the borough: Enfield West, Enfield North and Enfield South East.
26. It is proposed to introduce a fourth ACM with the focus of Children and Young People. This will post will link into the Children and Young People's Scrutiny Panel.

### **Safeguarding Implications**

27. The introduction of a Scrutiny Panel with the focus on children and young people will:
- (i) Examine and report the policies and services of the Council as they impact on children and young people in the borough;
  - (ii) Promote the participation, engagement and influence of children and young people in the services which affect them; and
  - (iii) Receive the monitoring and progress reports as they relate to children and young people in the borough.

### **Public Health Implications**

28. Issues relating to public health would be scrutinised at the Health and Adult Social Care Scrutiny Sub Committee.

### **Equalities Impact of the Proposal**

29. The creation of an Equalities Board will positively affect those people who share protected characteristics by raising awareness of issues they face and aiming to reduce and remove inequalities and barriers that exist.

### **Environmental and Climate Change Considerations**

30. The proposals include an Environment Forum and as part of the new proposed scrutiny structure an Environment and Climate Action Scrutiny Panel. These will provide dedicated committees for councillors to properly scrutinise the Council's response to climate change and provide a forum for residents to contribute to the discussion.

### **Risks that may arise if the proposed decision and related work is not taken**

31. Whilst there is no legal risk, to not implement these recommendations would result in a lost opportunity to enhance the Council's scrutiny function and streamline its management of meetings.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

32. As with the implementation of any new governance system particular care will need to be taken to ensure officer resources are directed and managed in the right way,

### **Financial Implications**

33. There are no financial implications regarding the proposed streamlining of the Council's committee structure and review of scrutiny panels.

### **Legal Implications**

34. The Local Authorities (Committee System) (England) Regulations 2012 (the LACSR) are made under the provisions of Sections 9J, 9JA and 105 of the Local Government Act 2000 (as amended) (LGA 2000). The proposals set out at Paragraphs 5 – 24 and Appendices 1-2 require compliance with the provisions of Parts 3 – 5 of the LACSR which set out the general provisions of systems of operation of committees and in particular for overview and scrutiny committee/committees.
35. The Leader has the power to make executive arrangements and also to decide how the executive functions are to be discharged by virtue of Chapter 2 of the LGA 2000 including the appointment of Cabinet Members and/or Associate cabinet members as proposed at paragraphs 25-26.
36. Further, the proposals outlined at paragraphs 5-24 and Appendices 1-2 require that local authorities must have regard to Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities (May 2019) published by the Ministry of Housing Communities and Local Government issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009. This requires local authorities to follow the guidance unless there is a good reason not to do so.
37. The LGA 2000, S9P places a mandatory duty on local authorities to prepare and keep up to date its constitution; Section 37 requires

authorities to adopt constitutions containing their standing orders, code of conduct for members, any other information they considered appropriate and 'such information as the Secretary of State may direct'.

38. The Local Government Act 2000 (Constitutions) (England) Direction 2000 Paragraph 3 sets out 26 matters (a-z) which must be included in the constitution; those pertinent to the recommendations in this Report being:
- (i) Paragraph 3c pertains to a description of the principal roles and functions of the members of the council under executive arrangements or, as the case may be, alternative arrangements including the rights and duties of those members;
  - (ii) Paragraph 3k (i) & (ii) pertains to a description of the arrangements for the operation of overview and scrutiny committees including. the terms of reference and membership of those committees and any rules governing the exercise of their functions; and any rules governing the conduct and proceedings of meetings of those committees whether specified in the authority's standing orders or otherwise';
  - (iii) Paragraph 3i pertains to a description of the functions of the local authority executive which, for the time being, are exercisable by the executive collectively or a committee of the executive, stating as respects each function, the membership of the body by who it is exercisable;
  - (iv) paragraph 3l(i-vii) in the case of a local authority which is operating executive arrangements, a description of the roles of the executive, committees of the executive and members of the executive including but not limited to the roles, functions, rights, responsibilities and duties of members of the executive as provided by sub-paras i-vii.
39. The Monitoring Officer pursuant to Part 2 paragraph 9.3(a) has a duty to maintain an up to date version of the constitution to make any necessary amendments to it in line with the provisions of paragraphs 38 and 39 following the outcome of the decisions in this report.

### **Workforce Implications**

40. There are no workforce implications.

### **Property Implications**

41. There are no property implications

### **Other Implications**

42. There are no other implications.

### **Options Considered**

43. The current committee structure could remain in place. This has been rejected following members feedback.

## **Conclusions**

44. The review of the scrutiny function by the CfPS supports the proposed increased emphasis on scrutiny. The review also highlighted areas where positive changes would be useful.
45. The review and emphasis on the scrutiny function has given a timely opportunity to consider the Council's wider meeting structure. No current functions are ceasing to be delivered. However, the following individual Committees would be abolished, resulting in 26 fewer scheduled meetings per annum. Their functions remain and are incorporated within the new structure: MDSG, Electoral Review Panel, Deaf Forum, LBE/EREC, Vulnerable Young People's task Group, CAG, Green Belt Forum, Public Transport Consultative Group, Housing Advisory Board, Adoption Panel (this is now undertaken regionally).
46. The report also recommends the creation of a fourth ACM to concentrate on children and young people in the borough.
47. Any changes to the SRA will be agreed under the Members Allowances Report in this agenda.

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Report Author: Jeremy Chambers  
Director of Law and Governance

Date of report 1 July 2020

## **Appendices**

Appendix 1 – Terms of Reference of revised committees

Appendix 2 – Proposed new structure chart

Appendix 3 – Copy of the CfPS finding report

## **Background Papers**

The following documents have been relied on in the preparation of this report:

*None.*

<b>OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>Appointed by:</b> Chair and Vice Chair appointed by Council
<b>Proportionality:</b> Applies
<b>Membership:</b> 8 (2 Conservative, 6 Labour)
<b>Chair and Vice Chair appointed by:</b> Council
<b>Public/Private meetings:</b> Public and private
<b>Quorum:</b> 3
<b>Frequency:</b> minimum of 4 meetings per annum
<p><b>Terms of reference:</b> The leadership and co-ordination of the Council's scrutiny function will be the responsibility of the Overview and Scrutiny Committee.</p> <ul style="list-style-type: none"> <li>(i) Development, co-ordination and implementation of the overall scrutiny annual work programme for all scrutiny panels;</li> <li>(ii) Reviewing executive decisions under the Call-in procedures;</li> <li>(iii) Ensure that the Education statutory co-optees are provided with the support they require;</li> <li>(iv) Leading consultation on the Budget and considering the views of the Finance and Performance Scrutiny Panel</li> <li>(v) To develop its own work programme</li> <li>(vi) To receive petitions and consider Councillor Calls for Action as set out in the Constitution; and</li> <li>(vii) To take responsibility for the scrutiny of monitoring reports both external and internal</li> </ul>

Holding the Executive to account:

- Questioning the Leader and Cabinet Members in a constructive manner on issues within their portfolio
- Reviewing council performance and making suggestions for improvement
- Scrutinising the activities of partner agencies

Policy review and development:

- Reviewing policies and strategies developed by the council or the wider strategic partnership

Consulting and involving local people:

- All Committee and panel meetings are held in public
- Examining and responding to referrals from Healthwatch Enfield (Health Scrutiny)
- Operating Councillor Call for Action where members can refer matters that affect their local area

<b>CRIME SCRUTINY PANEL</b>
<b>Appointed by:</b> Chair and Vice Chair appointed by Council
<b>Membership:</b> 8
<b>Chair and Vice Chair appointed by:</b> The Chair of each Scrutiny Panel shall be a member of the OSC, as determined by the OSC at its first meeting
<b>Public/Private meetings:</b>
<b>Quorum:</b> 3
<b>Frequency:</b> minimum of 4 meetings per annum
<b>Terms of reference:</b> <ol style="list-style-type: none"> <li>1. To scrutinise and make a report or recommendations on the Metropolitan Police Service, Emergency services, Safer Neighbourhood Board and community safety</li> <li>2. To scrutinise, and prepare reports, as necessary, about any Council actions and decisions relating to crime and community safety</li> </ol>

<b>HEALTH &amp; ADULT SOCIAL CARE SCRUTINY COMMITTEE</b>
<b>Appointed by:</b> Chair and Vice Chair appointed by Council
<b>proportionality:</b> Yes
<b>Membership:</b> 8
<b>Chair and Vice Chair appointed by:</b> The Chair of each Scrutiny Panel shall be a member of the OSC, as determined by the OSC at its first meeting
<b>Public/Private meetings:</b> Public
<b>Quorum:</b> 3
<b>Frequency:</b> minimum of 4 meetings per annum
The Overview and Scrutiny Committee and Health Scrutiny Panel will: <ol style="list-style-type: none"> <li>(i) Scrutinise the planning and provision of local health services and through this process contribute to the continuous improvement of health services and services that impact upon health.</li> <li>(ii) Respond to consultations by NHS bodies and provide dates and publish timeframes for its decision-making process on proposals for substantial developments.</li> <li>(iii) Comply with regulations formalising arrangements for health scrutiny.</li> <li>(iv) Consider matters referred to the Council by the local Healthwatch and respond within 20 days.</li> <li>(v) Scrutinise Public Health services commissioned by the Council / Health and Wellbeing Boards.</li> </ol>
The following provisions are preserved: <ol style="list-style-type: none"> <li>(i) Enable health scrutiny to review and scrutinise any matter relating to health services in its area;</li> <li>(ii) Require NHS bodies to provide information to and attend before meetings of the committee;</li> <li>(iii) Make reports and recommendations to relevant NHS bodies and to the Local Authority;</li> <li>(iv) Require health providers to respond within a fixed timescale; and</li> <li>(v) Require health providers to consult local authorities</li> </ol>

<b>ENVIRONMENT &amp; CLIMATE ACTION SCRUTINY PANEL</b>
Appointed by: Chair and Vice Chair appointed by Council
proportionality: Applies
Membership: 8
<b>Chair and Vice Chair appointed by:</b> The Chair of each Scrutiny Panel shall be a member of the OSC, as determined by the OSC at its first meeting
Public/Private meetings:
Quorum: 3
Frequency: minimum of 4 meetings per annum
<b>Terms of reference:</b> <ol style="list-style-type: none"> <li>1. To examine and report on the strategies, policies and services of the Council and matters of importance to Enfield as they relate to the Environment</li> <li>2. To consider environmental matters on request from another standing committee and report its opinion to that standing committee.</li> <li>3. To take into account in its deliberations the cross cutting themes of the achievement of sustainable development, climate change, and the impact on health of Enfield residents</li> </ol>

<b>HOUSING SCRUTINY PANEL</b>
<b>Appointed by:</b> Chair and Vice Chair appointed by Council
<b>Proportionality:</b> Applies
<b>Membership:</b> 8
<b>Chair and Vice Chair appointed by:</b> The Chair of each Scrutiny Panel shall be a member of the OSC, as determined by the OSC at its first meeting
<b>Public/Private meetings:</b> Public
<b>Quorum:</b> 3
<b>Frequency:</b> minimum of 4 meetings per annum
<b>Terms of reference:</b> <ol style="list-style-type: none"> <li>1. To examine and report on the strategies, policies and actions of the Council as they relate to the Council's existing housing stock and services</li> <li>2. To scrutinise the planning and provision of the Council's housing stock</li> <li>3. To consider housing matters on request from another standing committee and report its opinion to that standing committee.</li> </ol>

<b>FINANCE &amp; PERFORMANCE SCRUTINY PANEL</b>
<b>Appointed by:</b> Chair and Vice Chair appointed by Council
<b>Proportionality:</b> Applies
<b>Membership:</b> 8
<b>Chair and Vice Chair appointed by:</b> The Chair of each Scrutiny Panel shall be a member of the OSC, as determined by the OSC at its first meeting
<b>Public/Private meetings:</b> Public
<b>Quorum:</b> 3
<b>Frequency:</b> minimum of 4 meetings per annum
<p><b>Terms of reference:</b></p> <ol style="list-style-type: none"> <li>1. To examine the draft budget proposals for the next financial year and to report to Overview and Scrutiny Committee as part of their annual budget meeting.</li> <li>2. To examine, monitor and report to Overview &amp; Scrutiny on matters relating to the finance and performance of the Council and its partners</li> <li>3. To consider finance and performance matters on request from another standing committee and report its opinion to that standing committee.</li> </ol> <p>To consider the quarterly monitoring reports provided by the Council</p>

<b>REGENERATION &amp; ECONOMIC DEVELOPMENT SCRUTINY PANEL</b>
<b>Appointed by:</b> Chair and Vice Chair appointed by Council
<b>Proportionality:</b> Applies
<b>Membership:</b> 8
<b>Chair and Vice Chair appointed by:</b> The Chair of each Scrutiny Panel shall be a member of the OSC, as determined by the OSC at its first meeting
<b>Public/Private meetings:</b> Public
<b>Quorum:</b> 3
<b>Frequency:</b> minimum of 4 meetings per annum
<p><b>Terms of reference:</b></p> <ol style="list-style-type: none"> <li>1. To examine and report the services, policies and proposals from the Council that impact on the future and current regeneration and economic development in Enfield</li> <li>2. To consider matters relating to regeneration and economic development on request from another standing committee and report its opinion to that standing committee.</li> </ol>

<b>EQUALITIES BOARD</b>
<b>Appointed by:</b> Chair and Vice Chair appointed by Council
<b>Proportionality:</b> Applies
<b>Membership:</b> 9 members with up to 9 members from local groups representing the 9 protected characteristics
<b>Chair and Vice Chair appointed by:</b> Council
<b>Public/Private meetings:</b> Public
<b>Quorum:</b> 3
<b>Frequency:</b> minimum 4 times a year
<p><b>Terms of reference:</b>  Equalities Board is the forum by which the Council can oversee its processes to eliminate discrimination on the protected characteristics. The following characterises are protected under the Equalities Act 2010:</p> <ul style="list-style-type: none"> <li>• age;</li> <li>• disability;</li> <li>• gender reassignment;</li> <li>• marriage and civil partnership;</li> <li>• pregnancy and maternity;</li> <li>• race;</li> <li>• religion or belief;</li> <li>• sex;</li> <li>• sexual orientation</li> </ul> <ol style="list-style-type: none"> <li>(i) To monitor the Council's performance against current equality legislation.</li> <li>(ii) To act as a consultative and advisory body with regard to the development of new policies/initiatives and to actively support such initiatives.</li> <li>(iii) To raise awareness of the specific needs of service users in terms of service delivery.</li> <li>(iv) To provide a sounding board for any initiative or proposal that the Council is making and how they may affect the protected characteristics either directly or indirectly.</li> <li>(v) To provide a better understanding of equalities in order to gain knowledge, and to promote awareness and encourage mutual respect.</li> <li>(vi) To encourage the Council to realise the benefits of a diverse workforce that reflects the make-up of the local population.</li> <li>(vii) To encourage the Council support to staff in a manner that encourages them and makes them feel secure in their working environment.</li> <li>(viii) To analyse data and information gained from monitoring, impact assessments and general consultation activity to inform priorities and future practice.</li> <li>(ix) To consider workforce equalities and diversity matters referred to it by</li> </ol>

the Director of Law and Governance, Human Resources, Audit & Risk  
Management

<b>GENERAL PURPOSES COMMITTEE</b>
<b>Appointed by:</b> Chair and Vice Chair appointed by Council
<b>Proportionality:</b> Applies
<b>Membership:</b> 9 councillors
<b>Chair and Vice Chair appointed by:</b> Council
<b>Public/Private meetings:</b> Public
<b>Quorum:</b> 3
<b>Frequency:</b> minimum 6 times a year
<p><b>Terms of reference:</b></p> <p>To consider:</p> <p>Internal Audit</p> <ul style="list-style-type: none"> <li>(i) The annual Internal Audit Report, including the Head of Internal Audit and Risk Management's Annual Opinion over the Council's assurance framework and internal control environment.</li> <li>(ii) The annual risk-based plan of internal audit work, from which the annual</li> <li>(iii) opinion on the level of governance, risk management and internal control can be derived. The plan will include the budget requirement and resource plan in terms of audit days needed to deliver the programme of work.</li> <li>(iv) The internal audit charter, defining the service's purpose, authority and responsibilities. The charter will cover arrangements for appropriate resourcing define the role of internal audit in fraud-related work and set out arrangements for avoiding conflicts of interest.</li> <li>(v) Regular updates from the Head of Internal Audit and Risk Management on audit and investigation activities. These will include progress on delivering the annual programme of work, emerging themes, risks and issues and management's responsiveness in implementing recommendations and responding to Internal Audit. In line with requirements of the Public Sector Internal Audit Standards, performance of the Internal Audit Service and the results of quality assurance and improvement activities will also be reported.</li> <li>(vi) Specific internal audit reports agreed between the Chair and the Executive Director Resources or the Chief Executive.</li> <li>(vii) The Council's policies on 'Raising Concerns at Work' and the 'Anti fraud and corruption strategy'.</li> <li>(viii) The implementation of relevant legislation relating to fraud and corruption.</li> </ul> <p>External Audit</p> <ul style="list-style-type: none"> <li>(i) The External Auditor's Annual Letter and relevant reports.</li> <li>(ii) Specific reports as agreed with the External Auditor.</li> <li>(iii) To comment on the scope and depth of external audit work and to ensure it gives value for money.</li> </ul>

- (iv) The External Auditor's Report to those charged with governance from the audit of the accounts.

#### Risk Management

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

#### Procurement and Contracts

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

#### Other issues

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

#### Constitution

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

#### Members Support

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

#### Elections

- (i) To review and agree the electoral arrangements in the borough relating to the designation of polling districts and polling places in accordance with any provisions of the Representation of the People Acts.

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

<b>STAFF APPEALS, APPOINTMENT AND REMUNERATION COMMITTEE</b>
<b>Appointed by:</b> Chair and Vice Chair appointed by Council
<b>Proportionality:</b> Applies
<p><b>Membership:</b> 3 members from pool of 13 members including Leader of the Council, Deputy Leader of the Council, Leader of the Opposition</p> <p><b>For appointments:</b> The membership of each panel is dependent upon the level of the post being filled.</p> <p>Head of Paid Service Appointment: (Up to 6 members) Leader of the Council; Deputy Leader of the Council; Leader of the Opposition; and up to 3 other Councillors (split 2 majority: 1 opposition)</p> <p>Chief Officer &amp; Deputy Chief Officer Appointment: (5 members) (Names to be agreed depending on appointment in question) 3 majority and 2 opposition</p> <p><b>For appeals:</b> 3 members one of which should be Chair or Vice Chair + 2 from remaining pool none of whom are members of the committee concerned with the work of the relevant Service Group.</p>
<b>Public/Private meetings:</b> Public when possible
<b>Quorum:</b> 2
<b>Frequency:</b> 4 meetings per annum
<p><b>Terms of Reference:</b></p> <p>Remuneration</p> <p>(i) To make recommendations to the Cabinet, and Council if appropriate on strategic pay and remuneration issues relating to staff in posts graded Assistant Director, Director and Chief Executive, plus other salary scales with similar levels of remuneration</p> <p>(ii) To consider all elements of the Council's senior management remuneration package, including</p> <ul style="list-style-type: none"> <li>• levels of consolidated/fixed salaries;</li> <li>• elements of variable non consolidated salary payments;</li> <li>• any additional pay or non pay benefits that could be considered as part of the total remuneration package;</li> <li>• processes for determining the pay progression of staff;</li> <li>• termination payments packages;</li> <li>• parameters and process for appointing senior interim or agency staff.</li> </ul> <p>The remit of the Committee will not extend to consideration of the level of remuneration of individual members of staff (within the context of the agreed policy) as these will be covered by individual contracts of employment.</p> <p>Appointments</p> <p>(i) To be responsible for making appointments to all posts at Executive Director and Director level and for making a recommendation for the appointment of the Head of the Paid Service to the Full Council.</p>

Appeals

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

**ENVIRONMENT FORUM****Appointed by:** Chair and Vice Chair appointed by Council**Proportionality:** Applies**Membership:** 5 members, who are not members of the Planning Committee

Up to a maximum of 5 representatives from the following:

- Transport for London
- Train Operating Companies providing services within the Borough
- London Borough of Enfield
- representatives of local bodies with an interest in natural and built environment

The wider membership for the Forum will consist of:

- Plus 21 other members comprising 2 nominated by the Federation of Enfield Residents and Allied Associations and 1 nominated by each of the following:
  - Edmonton Hundred Historical Society;
  - Enfield Preservation Society;
  - Southgate District Civic Trust;
  - Southgate Green Study Group;
  - Grange Park Conservation Area Study Group;
  - Meadway Conservation Area Study Group;
  - Eastern Enfield Study Group;
  - Edmonton Study Group;
  - Bush Hill Park Conservation Area Study Group;
  - Enfield Town Conservation Area Study Group;
  - Forty Hill and Bulls Cross Study Group;
  - Clay Hill Study Group; Trent Park Conservation Committee;
  - Enfield, Edmonton and Southgate Chamber of Commerce; and
  - Enfield Lock Conservation Group.

Council officers will attend as appropriate

**Chair and Vice Chair appointed by:****Public/Private meetings:** Public**Quorum:** 2 Members**Frequency:** monthly**Terms of reference:**

## General

- (i) to advise and comment on policies and strategic issues in Enfield that affect the built and natural environment,
- (ii) to encourage community initiatives that improve sustainability,
- (iii) to enable information exchange and networking among members and supporters in Enfield
- (iv) to scrutinise and monitor the progress of the Local Plan.

## Green Belt

- (i) To comment on strategic and policy issues affecting the green belt in

Enfield, such as government, regional or local policies, and changing patterns of usage.

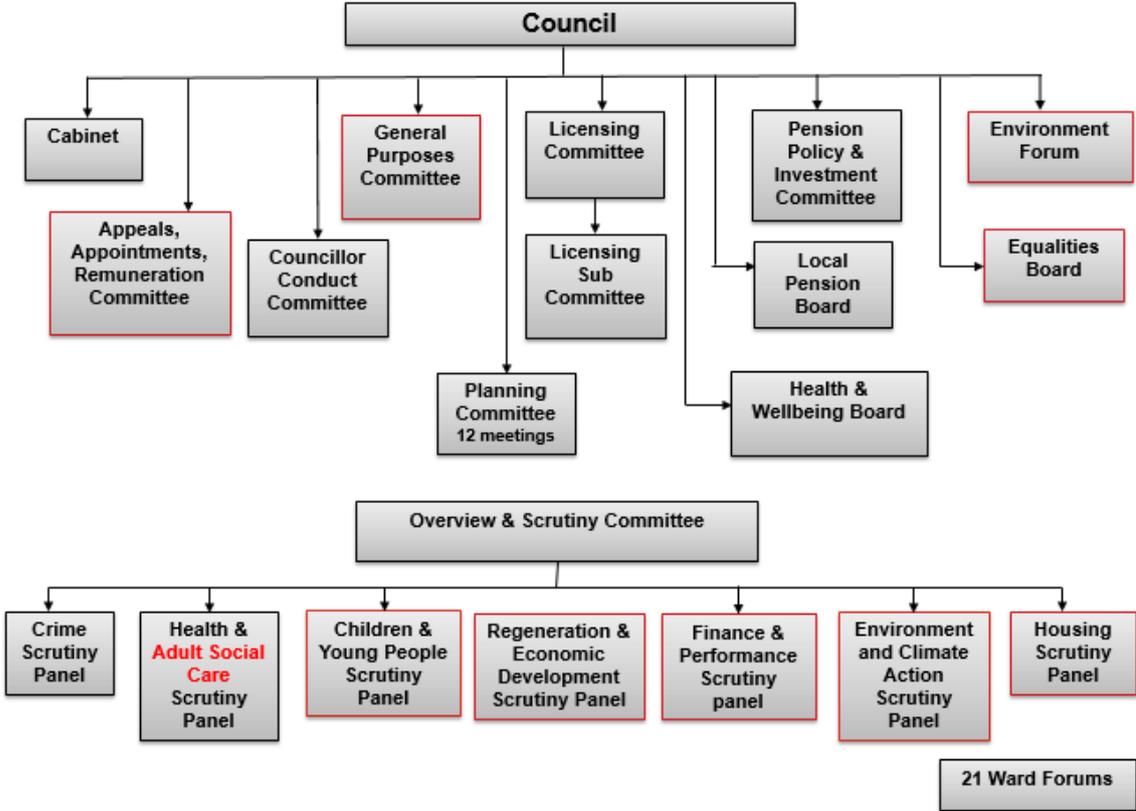
- (ii) To consider and comment on major developments which are likely to affect the character or appearance of the green belt.
- (iii) To comment on the Council's various enforcement policies which are likely to affect the character and appearance of the green belt.
- (iv) To keep under review the Council's overall management of the green belt in the borough.

#### Conservation of the Borough

- (i) To consider and advise the Head of Planning and Planning Committee on proposals for development which are referred to the Group which could affect the character or appearance of conservation areas, ancient monuments, listed buildings or their settings, or the architectural or historic interest of key sites in the borough generally.
- (ii) To advise the Head of Planning and appropriate Cabinet Member on the preservation or enhancement of the character or appearance of heritage features, areas and their environs.
- (iii) To encourage the improvement of heritage features, areas and their environs.
- (iv) To make recommendations to the Head of Planning and appropriate Cabinet Member for the designation of further Conservation Areas and Article 4 Directions relating to the historic environment of the borough.
- (v) To promote greater awareness of architectural quality through the bi annual Enfield Design Awards scheme.

#### Public Transport

- (i) To consider and monitor the operation and provision of public transport facilities within the Borough;
- (ii) To share information on key developments relating to the public transport network including receiving reports from representative forums and groups;
- (iii) To identify strategic issues for public transport providers to address; and  
To provide input into the development of Council policies and responses to relevant consultations.



## Copy of the CfPS findings letter



Jeremy Chambers  
London Borough of Enfield  
By e-mail

9 June 2020

Dear Jeremy,

#### **FINDINGS OF CFPS SCRUTINY IMPROVEMENT REVIEW**

Thank you for inviting the Centre for Public Scrutiny to carry out an evaluation of Enfield's scrutiny function. As you will be aware I and Cllr John Cotton (an LGA Member Peer) visited the council for two days earlier this year to conduct a range of in-person interviews.

Following these interviews with council officers, councillors and others, and having had the opportunity to undertake an extensive review of documentation, our approach to these reviews is to draft a letter like this one, containing key findings and evidence and suggesting areas in which actions might be developed.

This letter does not set out the precise detail and wording of potential actions. We think that it is important that the councils where we provide support (and, in particular, councillors) determine what actions will best address the findings we have made. We are happy to make the offer to work with you, and councillors, to develop and finalise these actions.

#### **1. Your objectives**

Overall our work has looked at:

- **Culture.** The mindset and mentality underpinning the operation of the overview and scrutiny process. This will involve a focus on the Council's corporate approach to scrutiny;
- **Information.** How information is prepared, shared, accessed and used in the service of the scrutiny function;
- **Impact.** Ways to ensure that scrutiny is effective, that it makes a tangible difference to the lives of local people.

In doing so, we looked at four main areas of scrutiny practice. These are:

- Organisational commitment and clarity of purpose;
- Members leading and fostering good relationships;
- Prioritising work and using evidence well;
- Having an impact.

Before we started we were advised that particular advice and assistance was sought on making structural changes to Enfield's scrutiny committees. Since our visit, proposals have been made, and are due to be considered by councillors. Our findings, as far as possible, therefore aim to provide assurance on these proposals, and explore ways in which refinements might be made to ensure that positive change can be embedded.

As far as possible, our findings reflect this context.

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The proposals will increase the number of formal scrutiny committees and decrease the number of standing panels and workstreams. In particular, they involve the creation of new bodies to look at finance and performance and children's services. Both are to be welcomed. A finance and performance panel could take a watching brief over finance, performance and risk issues, feeding intelligence and insight to other committees and grounding their work programmes in a rigorous sense of the council's ongoing delivery in scrutiny's seven priority areas.

The establishment of a separate committee to focus on children's services, meanwhile, delivers on the council's commitment to concerted member action in this area. We think that thought will need to go into the way that this committee works to ensure that it intersects productively with other children's services improvement activity.

As this review was undertaken, the COVID-19 pandemic was in its early stages. At the time of writing these findings, it was expected that the effects of the pandemic would be felt for some time to come. Inevitably, this will affect scrutiny in the short term (including the implementation of the proposed structural changes to the function). COVID-19 presents scrutiny with the challenge, and the opportunity, to recast its role to focus on matters critical to local people, and to streamline its work accordingly. Doing this may provide an opportunity to test out ways of carrying out shorter, sharper investigations and reviews (along the lines that we discuss in section 4. We provide more general advice on scrutiny's role during the pandemic in publications available at <https://www.cfps.org.uk/covid-19-notice/>

## 2. Overall

- The council is aware that scrutiny requires improvement. Some members think that this need is particularly urgent, and that the function has "drifted" in recent years;
- The council is acting on this need for change (for example, by securing agreement from members for structural change to the scrutiny committee system). However, some members are disengaged, doubting the commitment of the executive to supporting improvement;
- Scrutiny could be better aligned with the areas that it needs to focus on to deliver real change. There is recognition of this, and steps are currently being taken to refine scrutiny's focus and align it more closely to where it can add most value;
- Too little scrutiny work has been productive – some recent workstream activity has lacked focus, the use of call-in has been excessive (although systems have recently been improved) and pre-decision work where it occurs often comes to late to influence decisions.

Scrutiny in Enfield has significant potential. The council understands the way that improvement needs to be carried out in order for this potential to be realised, and the Leader, Chief Executive and Senior Officers have made commitments to support this improvement. While there is scepticism and disengagement from some quarters, other members with whom we spoke were keen to speak positively about the future, and (along with senior officers) were able to articulate a realistic roadmap for the future.

This said, challenges remain. Some of the biggest barriers and risks to improvement lie in behaviours, attitudes and culture. Developing a common understanding of scrutiny's purpose, and building a sense of common purpose and common endeavour between scrutiny and the executive, has been and continues to be a challenge. Some members and officers have different experiences of, and views on, scrutiny's past effectiveness – which informs their views about the kinds of improvement now required.

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Frank and candid conversation – one-to-one and in groups – between members, and between officers and members, will be necessary to build a shared sense of where scrutiny is now and where it needs to go.

The current proposals, which we hope will soon be agreed, will lay strong foundations for these improvements. In order for these improvements to be embedded and delivered, however, parallel steps will need to be taken to bring about changes in attitudes and behaviour. These kinds of improvements are more complex than structural changes, and rest on five connected issues:

- **How scrutiny's role is articulated;**
- How scrutiny members access and use information, and the support they receive in doing this;
- How scrutiny prioritises and manages its work programme;
- The scoping and management of workstreams/task and finish work;
- The profile of scrutiny within the organisation, including the esteem in which it is held by councillors.

Those with executive responsibility (including senior officers) recognise the need to address these issues. Scrutiny members also recognise this need – despite the disengagement of some. We hope and expect that articulating cultural and attitudinal change in the way we have described above provides the council with a clearer roadmap as to how these necessary conversations happen.

### 3. Organisational commitment and clarity of purpose

The organisation has focused itself on improving scrutiny, recognising the strategic need to do so. It has already started to take action, by making necessary changes to call-in and by preparing to implement a more focused committee structure. This demonstrates a leadership commitment to take action, but some councillors feel that they do not have a stake in this improvement process, including a role in directing it. A small number feel that the executive is actively working to limit and constrain scrutiny.

We do not believe that this is the case. Some recent disagreements (for example, around the role of Assistant Cabinet Members) can be seen as proxies for this lingering sense of suspicion and scepticism. In the past, the tendency has also been for call-in to act as a focus for this kind of disagreement, in a way that has become antagonistic. We talk more about call-in in section 6.

Tensions may have been exacerbated by the high turnover of councillors at the last election. In 2018, there were 29 new councillors out of a total of 63. While we are aware that all new councillors were given the opportunity to engage in a comprehensive member induction programme at the time, it may now be right to revisit the issue of new (and longer-standing) members' needs – and their skillsets – as part of a way both of improving relationships, and of setting out members' expectations of the roles they will perform on scrutiny. A small number of members feel that they have been left to navigate their roles without sufficient support, and this has contributed to the sense for these councillors that the organisation's commitment to scrutiny is limited.

It is important to note that a degree of disengagement in scrutiny from some councillors is not uncommon and is not necessarily evidence of critical risks to the function, or to governance. The disengagement we have seen in Enfield is felt – strongly – by what seems to be a minority

of councillors. Political and personal tension may contribute to this issue. The important thing is that there is a recognition that this disengagement exists.

The key to improvement, and to re-engaging those councillors who feel detached from scrutiny, must lie in clarity on scrutiny's role and priorities, because attempts to re-engage councillors have become detached from scrutiny has to be carried out with a purpose in mind. The proposed changes to scrutiny offer an obvious mechanism to do this. Steps have been taken to align scrutiny's future role to the seven most important areas of concern for the Council but this new focus will need to be embedded in the way that members and officers interact day-to-day. This means having conversations to better articulate exactly what scrutiny's unique role might be in respect of these areas, and how it can work with the executive to be able to engage at the right time to productively influence the council's approach.

For example, might scrutiny's role be to bring to bear insights from the local community on these issues? Might it be to monitor implementation of key decisions relating to these matters, and associated budgets? Could it be to understand risk factors which might serve to derail the council's aspirations, and seek to oversee ways to mitigate them? Could it be to take a more active role earlier on in the policy development process on these issues? Each of these roles would require a different set of ways of working, and different executive/scrutiny relationships.

The statutory scrutiny guidance published in May 2019 makes reference to the development of a clear, unambiguous role for scrutiny, and for the development of an executive/scrutiny protocol to define how the relationship will practically function as scrutiny delivers this role. The council having agreed scrutiny's renewed focus on its seven priority areas, councillors now need to be brought into that wider discussion on exactly what scrutiny's focus will be in respect of those priorities.

#### **4. Members leading and fostering good relationships**

There has been a big learning curve for the large number of new members elected in 2018. Some new councillors do not feel that adequate opportunities were made available to them to engage in training and induction activity – either formal, or through their substantive work. Some councillors feel a lack of confidence in being able to engage productively in the work of scrutiny.

The wider conversation about scrutiny's fundamental role – which we suggest above – will we think go a considerable way in resolving some of these remaining problems. But councillors also need support in understanding how their behaviours and attitudes, within these new roles, need to develop.

Making scrutiny work is a collective responsibility. It is everyone's job to attempt to foster good relationships. Political and personal disagreement is inevitable, but with a common understanding of scrutiny's overall role, it should become easier to have conversations about how best that role might be transacted.

In the first instance, this will require a commitment from all scrutiny members to collective leadership of the function. Leadership in scrutiny is not just a matter for chairs, and others in prominent positions. Others must also exercise the responsibility.

As things stand, members exert control of the function, but this does not always translate into the forms of leadership that are needed to ensure the function is effective. Leadership is about being prepared to take advice, exercise critical judgement on what the function's priorities

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ought to be, and being open and candid about where scrutiny can, and cannot, add value. At the moment, on some matters (especially work programming) members are less willing to take officer advice, leading to work programmes which are not sufficiently focused. This is an example of members exercising control, but not the qualities of leadership.

Leadership is about members recognising that officers are there to support their work and that their advice should be taken seriously. This respect and regard from members exists in the abstract (and overall members were positive about the support they receive from officers), but as a matter of practice we saw evidence that when it comes to selecting work, members go their own way.

This would be justified when decisions are made in a framework where scrutiny's role is clear and well-understood, but in this context it leads to the selection and pursuing of issues and topics which look tangential. Scrutiny members do not, as things stand, seem aware of the wider, corporate issues and priorities of the council, or of the risks and constraints affecting the work of the council and its partners. The proposed new structure will provide a key opportunity to address this, by focusing work on key areas of corporate priority.

Adopting this sense of collective leadership and collective responsibility requires a reset of expectations and relationships, which we anticipate will be directly assisted by the proposed structural changes. Scrutiny members need to take the first step in setting out their individual and collective expectations, feeding that into the wider discussion about scrutiny's role. Officers need to play an active part in this conversation.

Once scrutiny's role and expectations about the relationships to support that role have been determined, members will need to lead on attempts to trial different ways of working in scrutiny. We talk about different models and ways of working for scrutiny in "The good scrutiny guide" (2019); we set out a few below. The COVID-19 crisis also provides the challenge, and opportunity, to scrutiny to adopt snappier approaches to in-depth investigation than the workstream model.

Collective member leadership will be required to understand what new ways of working could be adopted, to develop a menu of attractive methods, to trial a broad spectrum of them, and to incorporate successful approaches permanently. Different ways of working could include:

- More public facing activity. Some members and officers expressed to us a view that scrutiny could be more publicly visible. A clearer focus for the function provides the opportunity to design public engagement activities in a way which will be more obviously useful. This is likely to be about scrutiny members going to where community groups – both offline and online – and listening in to existing, ongoing conversations in spaces where local people feel comfortable;
- More shorter, sharper methods. Shorter "challenge panel" sessions to tackle problems or blockages on a certain issue and the use of individual councillors to act as "rapporteurs" on certain matters will give more opportunities for active involvement to a wider number of members while keeping within scrutiny's overall resource envelope. These methods would require councillors to be more proactive – carrying out work with some guidance from officers, but less support than they are used to. For some members, this might be empowering – for others, it might prove more of a challenge. The discussion, which we recommended above, around scrutiny members' expectations of their role, will help to clarify exactly what kinds of support members might need and expect on these approaches.

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Trialling these methods should be based on the overriding requirement that, collectively, they sit within the existing resource envelope for the scrutiny function. Certainly, we expect that a more focused approach than the workstream model, which tended to look quite open-ended, will provide more opportunity for more councillors to engage in a wider range of work.

Effective deployment of new ways of working will require a greater understanding by councillors of their rights to the access and use of information, which we cover in the section below.

Success here will hinge on member training and development. An active member development programme exists but more opportunity could now be taken to build on it to incorporate development outcomes in substantive scrutiny work. For example, the heightened priority of finance and performance in the new committee structure could lead to more systematic, ongoing support for relevant members on these matters.

## 5. Prioritising work and using evidence well

Members' overall access to and use of information to support their work is poor. Analysis of recent committee agendas, minutes and reports suggests that members focus much of their time in committee on exploratory questioning, limiting the amount of value they can add. We heard that in the past members had tended to be scattergun in their approaches to officers with requests for information – although there are signs of recent improvement here. The frequent exercise of call-in (a far more common occurrence in Enfield than in most other councils) also suggests that prioritisation of work is a challenge; the objectives of call-ins appear frequently to be indistinct (other than to express general political disagreement).

Prioritisation rests on prompt access to high quality and relevant information. The council, as standard, has a schedule of key decisions supported by the expected range of background papers. As is the case for many councils, it is not an especially useful document, and is not integrated with other corporate strategic and delivery plans. Corporate and departmental plans exist, backed up with information and performance management frameworks. Members to whom we spoke were only variably aware of this information. Longer-standing councillors were generally more familiar while some of those more recently elected had a very limited sense of the way in which the council produces and uses information to support its decision-making.

Members need to proactively engage with officers more to be clearer about what information they need and expect – driven by a better understanding of scrutiny's role. This is not about what matters they are personally interested in, but which scrutiny, as a function of the council, can add most value. This understanding then needs to be used to inform prioritisation of agendas and the work programme, as we described above.

With more focus will come less of a tendency for scattergun information requests and less of a reliance on being "fed" information by officers. The situation has led to understandable officer frustration in some cases, with officers being uncertain why members want and need to see information – therefore making it difficult to provide information which meets members' needs and expectations. This has led to some members feeling that the quality of information they receive, overall, is poor, including concerns about delays to how and when members do get hold of information. To inform our review, we have looked at officer reports submitted to scrutiny committees in the eighteen months before our review began. Many are generic in nature, and do not engage with the topics under discussion so as to assist members in hold the executive to account – suggesting a lack, overall, of member leadership and direction in

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what the expectations are that reports will cover, and the purpose for which they will be submitted to committee for consideration. The same analysis demonstrates that it is common practice for general reports "for information" to be submitted to committee. Members and officers could instead think of different ways for the information contained in these reports to be provided to members, both to reduce the burden on officers in writing reports and to assist members by providing them with information which is more succinct and relevant to their priorities. Below we talk about the possibility of an "information digest" to meet this need.

Information needs to be used more clearly to inform the work programme. As things stand (as we noted in the section above) members are unwilling to take advice on the work programme, which has in past led to the selection of less productive workstreams and committee items. This is a nuanced matter. It is right that councillors bring to bear their own judgement on the work programme but this judgement must also be informed by accurate information.

Topics chosen tend to be quite siloed, although there is some history of cross-cutting work being picked up through workstreams (and we recognise that cross-cutting issues will be picked up more effectively in the new proposed structure). Members will need to be prepared to be more reflective and self-critical in how they approach topic selection.

More clarity on scrutiny's role, focus and ways of working will help members to direct their attention to the right topics, tacking in the right way and at the right time. Officers will need to be proactive in working with members to understand the kinds of regular information flows that will be necessary to support this role.

The heavy use by councillors of call-in has historically used up a significant resource, for little benefit. As in other councils, use of call-in tends to be political in nature. All recognise the need to significantly curtail its use, releasing resource which can be better prioritised. We would expect that a more systematic approach to the preparation and sharing of information in advance of decisions being made would, in this context, serve to limit the use of call-in, but only as part of the wider package of changes around scrutiny's role and relationships we discussed in the sections above. The only way to systematically tackle the overuse of the call-in function is through dialogue and the agreement of mutual expectations between members on the executive and scrutiny.

The statutory scrutiny guidance published in May 2019 suggested the preparation of a regular "information digest" which would allow members to keep a proportionate watching brief over council services and giving them the intelligence needed to select topics where they can add value. This is something Enfield should pursue and could be built into the standing operating procedure of new committees and panels. For example, the finance and performance panel might take an active role, given its oversight responsibilities, to provide insight and intelligence based on the information it receives to inform the detailed work programmes of other committees.

Councillors will need to understand that building consensus around topic selection will mean that certain things that they are interested in may not be chosen for scrutiny. Limited time and space will be available for high-impact scrutiny work.

## 6. Having an impact

Our comments on impact reflect the structure for scrutiny which has existed hitherto. Proposed changes pre-empt many of the areas where we consider improvements to be necessary, making it particularly important that these changes are implemented and embedded swiftly.

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At the moment, impact comes through work in two spaces – in committee and in workstreams.

In committee, impact has been limited given that committee has become a place for information-sharing rather than action. In the new structure, the opportunity could be taken (given the increase in the number of committees overall) to reduce the number of substantive items per agenda, allowing members to look at fewer items in more depth. In the section above on information, we suggest an information-sharing mechanism that could support members to choose the right items.

Arrangements for the operation of workstreams is changing, alongside changes to the committee structure. This is the right move. There are examples of good work (on care leavers' transition, for example) but overall, scoping of recent workstreams could have been tighter (much work seems to have been quite open ended), and the timescale for their work shorter. "Mission creep", without effective oversight, has led some workstreams to continue working without a clear sense of an endpoint for many months. Some end products – such as those for the empty shops review and the schools review – which are of limited utility. Too often it seems as though workstreams are being used as a clearing house for providing general information to members rather than a space for finding a solution to a clearly-defined problem. This having been said it is important that one significant benefit of workstreams – the ability to delve into cross-cutting issue – is retained in the new system.

Scrutiny has been inconsistent in following up on the implementation of recommendations, making assessments of impact difficult. For example, there were significant differences of opinion on the effectiveness of the loneliness workstream. In respect of the Meridian Water workstream, while some felt that it had brought real benefit to the project and the area, others felt that it had been hampered by limited engagement by officers.

All of these issues have led to some member disengagement from workstream activity from scrutiny members.

We understand that it is proposed to take a much more limited approach to long-term work in the new structure. We endorse this. We think it likely that there will be a small number of cross-cutting topics which will lend themselves to longer term study. However, in the interests of delivering results and clear added value – quickly and efficiently – models such as the ways of working introduced in the previous section, better embedded within the new committee structure, are likely to prove more effective. This will be bolstered by stronger topic selection.

I hope that you, your colleagues and Enfield's councillors find these thoughts useful as you review what actions you propose to take to further improve scrutiny. I look forward to continuing to work with you to clarify those actions and to provide whatever further ongoing support you might require as those actions come to be implemented.

Yours sincerely,

Ed Hammond

Centre for Public Scrutiny

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