

## London Borough of Enfield

### General Purposes Committee

4 March 2021

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**Subject:** Amendments to the Council's Constitution

**Cabinet Member:** N/A

**Director:** Jeremy Chambers  
Director of Law & Governance and Monitoring Officer

**Wards:** N/A

**Key Decision:** N/A

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#### **Purpose of Report**

1. This report seeks to (a) notify members of the amendments made by the Monitoring Officer to the Constitution since the last Annual General Meeting of the Council, and (b) to seek the views of members of the Committee on issues that have been raised with the Monitoring Officer this municipal year.

#### **Proposal(s) are as follows:**

2. To note the amendments made by the Monitoring Officer during the 2021/21 year.
3. To provide recommendations to Council for consideration at the Annual General Meeting on the matters set out in paragraphs 12 to 26 of this report.

#### **Reason for Proposal(s)**

4. The Monitoring Officer is required to give the legal effect to the Council's Constitution and to keep it under periodic review.

#### **Relevance to the Council's Corporate Plan**

n/a.

#### **Background**

5. One of the functions of the Monitoring Officer (Director of Law and Governance) is to maintain the Constitution. Throughout the year minor contradictions, amendments, anomalies and typos are dealt with by the Monitoring Officer. Paragraphs 6 to 11 detail the matters dealt with by the Monitoring Officer during the current year.

6. At the July 2020 meeting of Council, the agreed amendments to the Council's committee structure around scrutiny. The Council agreed seven new scrutiny panels would remove the workstreams. After this meeting all references to workstreams were removed from the Constitution and the terms of reference for the seven scrutiny panels were included in the scrutiny rules of procedure.
7. The seven scrutiny panels whose terms of referenced were included into the constitution were:
  - (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.
8. Once these were published an additional amendment was made to their terms of reference to clarify that the Chair and Vice Chair of scrutiny panels were appointed by Council.
9. References to "Super Part 2" were found in Part 5 of the Constitution and these have since been removed.
10. Some other minor typographical errors were also corrected.
11. References to three Associate Cabinet Member (ACM) roles in the Constitution have been updated to include the fourth ACM who focuses on children and young people

### **Main Considerations for the Council**

12. Set out below are amendment requests made to the Monitoring Officer by senior officers and councillors. The Committee are asked to consider each proposal separately. The Monitoring Officer will verbally update the Committee at the meeting with his view on each matter.

#### Councillor Conduct Committee

13. To clarify the requirements where complaints in relation to Councillor conduct are made to the Monitoring Officer via the Protocol for Member/Officer Relations.
14. To increase the membership of the Councillor Conduct Committee from four to six, and to include two representatives from the Community First Group.

#### Opposition Priority Business

15. To allow for the minority opposition group to submit a topic for opposition business.
16. To confirm that the time allowed for the administration to confirm how it intends with Opposition Priority Business is 5 minutes.

#### Council Meeting Timings - Clarification

17. To include text in the constitution that clarifies when there is no opposition business at a meeting the timings will be as set up below:

- (i) 15 minutes allocated to in accordance with Rule 2.2;
- (ii) 60 minutes Reports;
- (iii) 50 minutes Motions;
- (iv) 20 minutes Council Questions; and
- (v) 5 minutes Memberships and remaining items.

#### Questions at Council Meetings

18. It is proposed to allow questions of anyone in receipt of a special responsibility allowance at Council meetings.

#### Environment Forum

19. The following text should be removed from the terms of reference for this forum:

*“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”*

20. The terms of reference for the Environment Committee included a wider membership to the Forum. Since this was agreed it has been brought to the Council’s attention that a number of these groups no longer exist. For this reason, the following has been suggested: -

- 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~~ **North London** Chamber of Commerce; and
- ~~Enfield Lock Conservation Group.~~
- **Hadley Wood Conservation Area Study Group**
- **Lakes Estate Study Group**
- **Winchmore Hill Green and Vicars Moor Lane Conservation Area Study Group**
- **Enfield Transport Users Group**

21. That the terms of reference for the Environment Forum be updated to include the below text in red at the end of the section titled “Conservation of the Borough”:

Points i to v will be considered in accordance with the planning application referral process arrangements as agreed by the Environment Forum (appendix A).

22. In line with the above proposals the following text will be included in the Constitution which sets out the referral process for planning applications:

**ENVIRONMENT FORUM - REFERRAL PROCESS ARRANGEMENTS  
(Planning Applications)**

1. *The Forum agenda may include major applications made under planning legislation which affect the categories in the Forum terms of reference (e.g. major planning application affecting heritage assets, listed building applications and major planning applications within the green belt, including sites adjacent to the green belt affecting its setting). The definition of a major planning application is given in regulations and is any planning application where:*

1. *for residential development, the proposal involves 10+ dwellings or exceeds 0.5 hectare,*
2. *for non-residential development, the proposal involves a building of + 1000 m<sup>2</sup> or the site exceeds 1+ hectare*
3. *the proposal is for waste development*
4. *the proposal is for development on a site having an area of 1 hectare or more*

2. *Members of the Forum may request relevant applications be added to the agenda by submitting the request in writing (e-mail) to the Governance team within 4 weeks of the application registration date (as published on the weekly list of applications received) and no later than 10 days prior to the Forum agenda despatch date.*

3. *Governance to consult Planning Service ([democracy@enfield.gov.uk](mailto:democracy@enfield.gov.uk)) on referral requests prior to referral to Chair.*

4. *Acceptance of referral requests will be the decision of the Chair of the Forum.*

5. *Where referral requests are approved, the Governance team shall invite the planning application agent to present the proposals to the Forum. Presentations shall last no longer than 15 minutes, followed by a Q&A and debate of no longer than 15 minutes (unless otherwise agreed).*

6. *Officers shall not be members of the Forum and a technical analysis of planning applications by officers shall not form part of the process. Officers may request relevant applications and projects be added to the agenda following the same procedure as Forum members.*

7. *The purpose of the Forum is to air and acknowledge issues raised by Forum members on applications and proposals. Forum members will already make representations direct to case and project officers. The added value of the Forum is to provide an arena for issues to be aired.*

8. *In the spirit of an advisory board, the output of the Forum in the form of a minute of the discussion, will be to highlight issues that Officers are asked to consider, as part of the assessment of the planning application.*

#### Licensing Committee

23. It is proposed that deputations at a Licensing Committee and Licensing Sub Committee be limited to five minutes. Currently there is no time limit on deputations. This will bring arrangements in line with Planning Committee.

#### Pensions Policy and Investment Committee

24. It is proposed to add two non-voting members to the Pension Policy and Investment Committee – one employee representative and one admitted body representative.

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

#### Staff Appeals, Appointments and Remuneration Committee

26. To expand the number of members who sit on the Staff Appeals, Appointments and Remuneration Committee and remain politically balanced.

#### Scrutiny Procedure Rules

27. Substitutions for members unable to attend a scrutiny panel must notify the Monitoring Officer of this. Notification must come from the Group Whips.

28. Each scrutiny Panels will be able to hold two additional meetings per annum. Additional meetings will have to be agreed by the Monitoring Officer prior to being arranged in order to ensure there is sufficient resources available to support the meeting.

#### **Safeguarding Implications**

29. There are no safeguarding implications.

#### **Public Health Implications**

30. There are no public health implications.

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

31. There is no impact on equalities based on any of the above proposals.

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

32. There is no environmental or climate change impact.

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

33. When any of the above proposals are agreed the Constitution will need to be updated and circulated. If this is not done the Constitution would not be up to date.

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

34. There are no risks.

**Financial Implications**

35. There are no financial implications.

**Legal Implications**

36. There are no legal implications.

**Workforce Implications**

37. There are no workforce implications.

**Property Implications.**

38. There are no property implications.

**Other Implications**

39. None

**Options Considered**

40. None – Updates to the Constitution are made regularly.

**Report Author:** Jeremy Chambers, Director of Law and Governance

**Date of report:** 4<sup>th</sup> March 2021

**Appendices:** None

**Background Papers:**

None