

London Borough of Enfield

Council
19th May 2021

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

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 consider the proposed amendments put forward by councillors throughout the year to the Council's Constitution.

Proposal(s) are as follows:

2. To note the amendments made by the Monitoring Officer during the 2021/21 year.
3. To agree the Monitoring Officer's response to the matters raised by councillors throughout the year as detailed in the table contained in paragraph 29 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 reference 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 views of General Purposes Committee and recommendations from the Monitoring Officer are set out in the table at paragraph 29 of this report.

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 to progress 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 has been requested 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 on July 2020 it has been brought to the Council’s attention that a number of these groups no longer exist. For this reason, the following deletions and additions (in bold) are 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 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 (planning applications)

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 m² 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

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.

Governance to consult Planning Service (democracy@enfield.gov.uk) on referral requests prior to referral to Chair.

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

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).

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.

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.

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 requested that deputations at a Licensing Committee and Licensing Sub Committee be limited to five minutes. Currently there is no time limit on statements from interested parties. 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.

General Purposes Committee

29. The matters raised with the Monitoring Officer as listed above were taken to [General Purposes Committee](#) on 4 March 2021. Set out in the table below are the matters raised, and a summary of the feedback from members of the Committee.

Matter raised with the Monitoring Officer	Current procedure	General Purposes Committee Feedback	Monitoring Officer Recommendation
<u>Councillor Conduct Committee</u> To clarify the requirements where complaints in relation to Councillor conduct are made to the Monitoring Officer via the Protocol	This relates to a request that when Officers make a complaint, as part of the process, they should complete	Members agreed that clarity is required.	Amend the Councillors' Code of Conduct to clarify that referrals from the Chief Executive under the Protocol for Member Officer Relations do not

for Member/Officer Relations.	a form detailing the complaint.		require a form.
<u>Councillor Conduct Committee</u> To increase the membership of the Councillor Conduct Committee from four to six, in order to include two representatives from the Community First Group.	Councillor Conduct Committee is currently excluded from the rules of proportionality, and has a fixed membership of 2:2	Members disagreed with the proposal and felt that this would disproportionality represent the minority opposition group on this Committee.	No changes to the current constitutional are recommended.
<u>Opposition Priority Business</u> To allow the minority opposition group to submit a topic for opposition business.	Currently time for OPB is set aside for the second largest party. All parties and individual councillors have the opportunity to raise issues through questions, motions and other debates.	If the council were minded to allow the minority opposition the same opportunities as the main opposition group, it would be necessary to include a provision within the constitution that the Monitoring Officer will reject OPB if it is substantially the same as one that has previously been submitted in the same municipal year. The main opposition group were opposed to this proposal.	No changes to the current constitution are recommended.
<u>Opposition Priority Business</u> To confirm that the time allowed for the administration to confirm if, and how, it intends to progress with Opposition Priority Business is 5 minutes.	Current practice is to allow 2 minutes.	There was no opposition to this.	Recommend that the time allowed for the administration to confirm if, and how, it intends to progress with Opposition Priority Business is 5 minutes.
<u>Council Meeting Timings - Clarification</u> 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:		There was no objection to the clarification in the timings paragraph. Members stated that the timings for Council meetings are the responsibility of	Recommend that where there is no opposition business at a meeting the timings will be as set up below: • 15 minutes allocated to in

<p>(vi) 15 minutes allocated to in accordance with Rule 2.2;</p> <p>(vii) 60 minutes Reports;</p> <p>(viii) 50 minutes Motions;</p> <p>(ix) 20 minutes Council Questions; and</p> <p>(x) 5 minutes Memberships and remaining items.</p>		<p>the majority group party.</p>	<p>accordance with Rule 2.2;</p> <ul style="list-style-type: none"> • 60 minutes Reports; • 50 minutes Motions; • 20 minutes Council Questions; and • 5 minutes Memberships and remaining items.
<p><u>Questions at Council Meetings</u></p> <p>It is proposed to allow questions of anyone in receipt of a special responsibility allowance at Council meetings.</p>	<p>Part 4, Para 9.3 of the constitution lists the councillors that questions can be directed to.</p>	<p>The committee felt that as Council questions were a form of scrutiny of the administration, the request did not make sense.</p>	<p>No changes to the current constitution are recommended.</p>
<p><u>Environment Forum</u></p> <p>The following text should be removed from the terms of reference for this forum:</p> <p><i>“Up to a maximum of 5 representatives from the following:</i></p> <ul style="list-style-type: none"> • <i>Transport for London</i> • <i>Train Operating Companies providing services within the Borough</i> • <i>London Borough of Enfield</i> • <i>Representatives of local bodies with an interest in natural and built environment”</i> <p>The terms of reference for the Environment Committee included a wider membership to the Forum. Since this was agreed it has been</p>	<p>The current membership list is out of date and requires updating.</p>	<p>Clarification was sought on the mechanism for inviting groups/individuals to the meeting. Members were advised that Chairs have the ability to invite someone to partake in the meeting, they will not be able to vote, and this does not change in the revised terms of reference.</p> <p>Members confirmed that the Environment Forum is for discussion and consideration not decisions.</p> <p>The Opposition raised concerns that the membership was still</p>	<p>Recommended that the following text should be removed from the terms of reference for this forum:</p> <p><i>“Up to a maximum of 5 representatives from the following:</i></p> <ul style="list-style-type: none"> • <i>Transport for London</i> • <i>Train Operating Companies providing services within the Borough</i> • <i>London Borough of Enfield</i> • <i>Representatives of local bodies with an interest in natural and built environment”</i>

<p>brought to the Council's attention that a number of these groups no longer exist. For this reason, deletions and additions (in bold) are suggested, see para 20.</p>		<p>too narrow with the proposal.</p>	
<p><u>Environment Forum</u> That the terms of reference for the Environment Forum be updated to include the below text in bold 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.</p> <p>In line with the above proposals text will be included in the Constitution which sets out the referral process agreed by the Environment Forum for the management of its work programme in dealing with requests to discuss planning applications: para 22.</p>	<p>This procedure is was agreed and is currently used to manage the work programme by the Environment Forum, the constitution simply needs updating to reflect this process.</p>	<p>There was no opposition to this proposal.</p>	<p>Recommended that the terms of reference for the Environment Forum be updated to include the below text in bold 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.</p> <p>In line with the above proposals text will be included in the Constitution which sets out the referral process agreed by the Environment Forum for the management of its work programme in dealing with requests to discuss planning applications: para 22.</p>
<p><u>Licensing Committee</u> It is proposed that deputations at a Licensing Committee and Licensing Sub Committee be limited to five minutes.</p>	<p>Currently there is no time limit on statements from interested parties.</p>	<p>There was no opposition to this proposal.</p>	<p>Recommended that deputations at a Licensing Committee and Licensing Sub Committee be limited to five</p>

			minutes.
<p><u>Pensions Policy and Investment Committee</u> It is proposed to add two non-voting members to the Pension Policy and Investment Committee – one employee representative and one admitted body representative.</p> <p>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.</p>	Current membership is 6 members of the council.	<p>The independent person on the Committee is a useful member.</p> <p>The proposal for two non-voting members was an appropriate form of representation.</p>	<p>Recommended to add two non-voting members to the Pension Policy and Investment Committee – one employee representative and one admitted body representative.</p> <p>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.</p>
<p><u>Staff Appeals, Appointments and Remuneration Committee</u> To expand the number of members who sit on the Staff Appeals, Appointments and Remuneration Committee and remain politically balanced.</p>	Current membership is 13 members of the council	This would have an effect on political balance across the Council's Committee Structure.	No changes to the current constitution are recommended.
<p><u>Scrutiny Procedure Rules</u> Substitutions for members unable to attend a scrutiny panel must notify the Monitoring Officer of this. Notification must come from the Group Whips.</p>	This will bring the scrutiny process in-line with other substitution arrangements.	There was no opposition to this proposal.	Recommended that substitutions for members unable to attend a scrutiny panel must notify the Monitoring Officer of this. Notification must come from the Group Whips.
<u>Scrutiny Procedure</u>	Panels meet four	There was no	Recommended that

<p><u>Rules</u> Each scrutiny Panel 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.</p>	<p>times a year.</p>	<p>opposition to this proposal.</p>	<p>each Scrutiny Panel 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.</p>
<p><u>Budget Council – Roll Call</u> There is a difference between the law and the constitution. The MO's view is that this should be removed, and the legislation applied.</p>	<p>Roll call is very time consuming and is not required by the legislation.</p>	<p>This would need to go to Shadow Cabinet for a considered view.</p>	<p>Recommended that the Constitution is amended to require a recorded vote only in line with the legislation.</p>

Safeguarding Implications

30. There are no safeguarding implications.

Public Health Implications

31. There are no public health implications.

Equalities Impact of the Proposal

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

Environmental and Climate Change Considerations

33. There is no environmental or climate change impact.

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

34. 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

35. There are no risks.

Financial Implications

36. There are no financial implications.

Legal Implications

37. This is a report of the Director of Law and Governance.

Workforce Implications

38. There are no workforce implications.

Property Implications.

39. There are no property implications.

Other Implications

40. None

Options Considered

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

Report Author: Jeremy Chambers, Director of Law and Governance

Date of report: 19th May 2021

Appendices: None

Background Papers:

None