

OVERVIEW & SCRUTINY COMMITTEE

Wednesday, 23 May 2018 at 7.30 p.m., or at the rise of the Annual Council meeting, whichever is the later. Council Chamber - Town Hall
Mulberry Place

This meeting is open to the public to attend.

Members:

To be confirmed at the Annual Council Meeting held on 23 May 2018 at 7pm.

Co-opted Members:

Joanna Hannan

Dr Phillip Rice

Subject to confirmation

Subject to confirmation

Subject to confirmation

Subject to confirmation

Representative of Diocese of Westminster

Church of England Representative

Muslim Faith Community

Parent Governors

Parent Governors

Parent Governors

[The quorum for this body is 3 voting Members]

Contact for further enquiries:

David Knight, Democratic Services

1st Floor, Town Hall, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Tel: 020 7364 4878

E-mail: david.knight@towerhamlets.gov.uk

Web: <http://www.towerhamlets.gov.uk/committee>

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Attendance at meetings.

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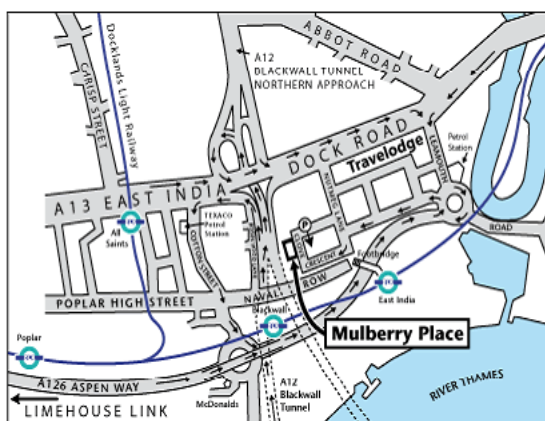
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QR code for smart phone users.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

**2. DECLARATIONS OF DISCLOSABLE
PECUNIARY INTEREST**

5 - 8

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Interim Monitoring Officer.

**3. UNRESTRICTED REPORTS FOR
CONSIDERATION**

All Wards

**3.1 Establishment of the Scrutiny Sub-Committees and
Appointment of Members to those Sub-Committees**

9 - 22

Next Meeting of the Overview and Scrutiny Committee

Monday, 25 June 2018 at 6.30 p.m. to be held in Council Chamber - Town Hall Mulberry Place

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-


Asmat Hussain, Corporate Director, Governance and Monitoring Officer. Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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Non-Executive Report of the: Overview and Scrutiny Committee 23 rd May, 2018	
Report of: David Knight, Senior Committee Manager	Classification: Unrestricted
Establishment of the Scrutiny Sub-Committees and Appointment of Members to those Sub-Committees	

Originating Officer(s)	David Knight, Senior Committee Manager
Wards affected	All Wards

Summary

This report requests that the Overview and Scrutiny Committee (OSC) agrees the following arrangements:

- Scrutiny Lead Members based on the Council’s Directorates;
- To note the co-opted members of OSC in accordance with legislation;
- To note the Terms of Reference for the Sub-Committees in the following areas:
 - Grants;
 - Housing; and
 - Health.

Recommendations:

The Overview and Scrutiny Committee is recommended to:

1. Approve Scrutiny Leads with specific portfolios and if so to appoint Members to the posts as set out in Section 3 of this report.
2. Note the co-option to the membership of the OSC of representatives in respect of education matters, as set out at Paragraphs 3.3 to 3.9 of this report.
3. Establish the Sub-Committee with Terms of Reference (**Attached at Appendix 2**) and appoint Members and agree Chairs for the above Sub-Committees as set out in **Appendix 1** to this report.

1. REASONS FOR THE DECISIONS

- 1.1 The Overview and Scrutiny Committee is required, at its first meeting of the municipal year, to confirm its arrangements for Lead Scrutiny Members and Sub-Committees.

2. **ALTERNATIVE OPTIONS**

- 2.1 The Committee could determine different arrangements for carrying out the Scrutiny of the Council's executive decision making functions providing that all statutory requirements were met.

3. **DETAILS OF REPORT**

- 3.1 At its first meeting of the municipal year the OSC are asked to approve its arrangements for Lead Scrutiny Members and Sub-Committees.

Scrutiny Lead Members and Portfolios

- 3.2 The OSC has traditionally appointed Scrutiny Lead Members with portfolios aligned to the authority's directorates. At its meeting on 18 May 2016, Council approved Special Responsibility Allowances for the Scrutiny Lead positions. It is therefore suggested that for the 2018/19 Municipal Year, the OSC consider the appointment of Lead Scrutiny Members for those agreed portfolios as set out below:

1. Lead for **Adults and Health Services** (including Chairing the Health Scrutiny Sub-Committee);
2. Lead for **Children's Services**;
3. Lead for **Place** (including Chairing the Housing Scrutiny Sub-Committee);
4. Lead for **Resources** (including Chairing the Grants Scrutiny Sub-Committee); and
5. Lead for **Governance**.

Co-option of Education and other Representatives to the Overview and Scrutiny Committee

- 3.3 Section 9FA (4) of the Local Government Act 2000 provides that an overview and scrutiny committee of a local Council may include persons who are not members of the Council. This provision empowers, rather than obliges, local authorities to have co-opted members on their overview and scrutiny committees.
- 3.4 However Schedule A1 to the LGA 2000 also has effect in relation to the Council's executive arrangements. Paragraph 7 of Schedule A1 makes provision for overview and scrutiny committees to have church representatives. The Council must have a Church of England co-opted member on its overview and scrutiny committee if the committee's functions relate wholly or partly to education functions and if the Council maintains one or more Church of England Schools. Similarly, the Council must have a Roman Catholic representative on its overview and scrutiny committee if the committee's functions relate wholly or partly to education functions and if the Council maintains one or more Roman Catholic schools.

- 3.5 Paragraph 7 of Schedule A1 to the LGA 2000 also deals with appointment of the church representatives. The Church of England representative must be nominated by the Diocesan Board of Education for any Church of England diocese which falls wholly or partly in Tower Hamlets. The Roman Catholic representative must be a nominated by the bishop of any Roman Catholic diocese which falls wholly or partly in Tower Hamlets.
- 3.6 Paragraph 8 of Schedule A1 to the LGA 2000 sets out power for the Secretary of State to make regulations requiring local authorities to have representatives of parent governors at maintained schools included on their overview and scrutiny committees. The Secretary of State has made the Parent Governor Representatives (England) Regulations 2001. Regulation 3 provides that a local education Council shall appoint at least two, but not more than five, parent governor representatives to any overview and scrutiny committee that has functions which relate wholly or partly to any education functions which are the responsibility of the Council's executive. The Regulations specify the process for electing representatives.
- 3.7 Consistent with the statutory provisions, the Council's Constitution provides in Part 3 "Responsibility for Functions", for the membership of the overview and scrutiny committee to include a Church of England representative, a Roman Catholic representative and Parent Governor Representatives. The Constitution also provides for the committee to have a Muslim faith representative, although this is not a statutory requirement.
- 3.8 The Constitution as amended (Part 4 – "Rules of Procedure", Section 4.5 – "Overview and Scrutiny Procedure Rules", Paragraph 4 "Education Representatives" Rule 4.1 states that "The Overview and Scrutiny Committee must include in its membership the following voting representatives in respect of education matters:
- One **Church of England** diocese representative;
 - One **Roman Catholic** diocese representative; and
 - Three **parent governor representatives** elected under the procedures contained in the Parent Governor Representatives (England) Regulations 2001."

Rule 4.2 states that "The Committee may also include a **Muslim representative**"

- 3.9 The OSC is requested to agree the co-option of nominated representatives in respect of education matters as set out in the table below.

Role	Co-Optee
Church of England Diocese representative	Dr Phillip Rice
Roman Catholic Diocese representative	Joanna Hannan

Parent Governor representative	Subject to confirmation*
Parent Governor representative	Subject to confirmation*
Parent Governor representative	Subject to confirmation*
Muslim Community Representative (non-voting)	Subject to confirmation*

***Awaiting the outcome of a borough wide nomination process**

6. EQUALITIES IMPLICATIONS

6.1 The establishment of proper scrutiny arrangements helps ensure effective decision making by the authority which supports the Council's Equalities aspirations.

7. BEST VALUE (BV) IMPLICATIONS

7.1 The establishment of proper scrutiny arrangements helps ensure best value is achieved from the Council's decision making.

8. ENVIRONMENTAL (INCLUDING AIR QUALITY),

8.1 None specific to this report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 The appointment of Scrutiny Lead Members, Co-option of representatives in respect of education matters and establishment of the Health Scrutiny Sub-Committee is necessary for the Overview and Scrutiny Committee to meet its statutory and constitutional obligations and in particular the functions conferred on the Council by the provisions referred to in the body of the report.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 None specific to this report.

11. COMMENTS OF THE CHIEF FINANCE OFFICER

11.1 This report recommends the Overview and Scrutiny Committee appoint Lead Scrutiny Members to positions that carry Special Responsibility Allowances at a level agreed by the Council. This is within agreed budgets.

12. LEGAL COMMENTS

12.1 Most of the relevant statutory and constitutional provisions are set out in the body of the report. It is also proposed that independent members be co-opted to the Health Scrutiny Sub-Committee. Section 9FA (4) of the Local

Government Act 2000 confirms that a sub-committee of an overview and scrutiny committee may include persons who are not members of the authority. This is consistent with section 102(3) of the Local Government Act 1972 which makes similar provision in relation to committees and sub-committees.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendix

- **Appendix 1** - Appointment to Cttees. **(To follow)**
- **Appendix 2** – Terms of Reference **(Attached)**

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

- N/A

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Terms of Reference

1. Introduction and Aims

- 1.1 Member input is vital at the development and delivery stage of the grants process by ensuring that the overall objectives of the grant scheme are being met based on identified need, that a fair geographical distribution of funding is being proposed, and that the full range of community needs are being met.
- 1.2 The Grants Sub-Committee will support an objective, fair, transparent and co-ordinated approach to grant funding across the Council including but not restricted to the following.
- (a) overseeing the process and arrangements for awarding and administering grants and related procurement processes to ensure a strategic approach;
 - (b) overseeing the processing arrangements for developing grants criteria and assessment methodology
 - (c) overseeing the monitoring, performance management and evaluation arrangements in relation to funded projects; and
 - (d) ensuring fairness and transparency in the grant awarding process.
- 1.3 The Grants Sub-Committee will be mindful of the Council's objective to create an environment for a thriving Third Sector. In this context, the following are key factors:
- (a) improve partnership working between local organisations;
 - (b) provide longer-term funding to organisations;
 - (c) ensure that funding is aligned to the Strategic Plan and Community Plan;
 - (d) ensure that the Council achieves value for money from its grants; and
 - (e) ensure that funding supports appropriate services for the benefit of local residents.

2. Responsibilities

- 2.1 The Overview & Scrutiny Grants Sub-Committee will discharge the Council's statutory functions to undertake overview and scrutiny, insofar as these pertain to grants matters. This will include:
- (a) Reviewing and/or scrutinise recommendations, decisions made or actions taken in connection with the discharge of the council's grants;
 - (b) Advising the Mayor or the Executive of key issues/questions arising in relation to grants reports due to be considered by the Mayor or Executive; and
 - (c) Making reports and/or recommendations to the full Council and/or the Mayor or the Executive in connection with the discharge of grants functions.
- 2.2 The Grants Sub-Committee will have a broad range of responsibilities. This will include scrutinising adherence to grant eligibility, appraisal, and monitoring arrangements.

- 2.3 Other areas of responsibility for the Grants Sub Committee include but are not restricted to the following:
- (a) monitoring and reviewing all grant programmes across the Council;
 - (b) maintaining an overview of performance and value for money for all London Borough of Tower Hamlets grant funding;
 - (c) support an appropriate, fair and transparent commissioning and appraisal process is followed when allocating any grant funding;
 - (d) ensure that the Service agreements used in relation to the various Council grant regimes are fit for purpose and that appropriate monitoring and assurance systems are implemented and in place; and
 - (e) receive grant programme performance, monitoring reports and agreeing appropriate action to be taken in respect of projects which are under-performing.

3. Membership

- 3.1 The membership of the Grants Sub-Committee will consist of the Lead Member for Resources (or his nominated Deputy) as Chair of the Grants Sub-Committee, with the composition consisting of three Members of the Overview and Scrutiny Committee.

4. Actions and Responsibilities

- 4.1 Below are some of the specific actions and responsibilities required to ensure the effective operation of the Grants Sub-Committee.
- 4.2 **Servicing of meetings.** The servicing of meetings will be undertaken by the Council's Democratic Services Team and which work will include:
- (a) dispatch of reports;
 - (b) taking of minutes and recording of actions/decisions;
 - (c) dissemination of minutes and decisions; and
 - (d) audio recording of meetings.
- 4.3 **Meeting frequency.** The Grants Sub-Committee will meet as required in order to consider grant awards in a timely manner.
- 4.4 Officers preparing reports for consideration must liaise with Democratic Services in good time to ensure that meetings are able to be convened as required to consider reports.
- 4.5 **Preparation and presentation of Reports.** The Lead Manager/Officer of the appropriate grant/funding programme will be responsible for preparing and presenting reports to the Grants Sub-Committee. This will include:
- (a) preparing reports and recommendations;
 - (b) obtaining legal and financial clearance of reports;
 - (c) sending completed reports to Democratic Services for dispatch;
 - (d) presenting reports ; and

(e) implementing actions/decisions agreed.

4.6 **Record of attendance.** All members of the Sub-Committee present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.

5. Proceedings

5.1 The Grants Sub-Committee will generally meet in public and conduct its proceedings in accordance with the relevant rules of procedure contained in the Council's Constitution such as the:

- (a) Council Procedure Rules;
- (b) Access to Information Procedure Rules, and
- (c) The Overview and Scrutiny Procedure Rules.

5.2 For the purposes of the Grants Sub-Committee, Rule 19 of the Council Procedure Rules (Petitions) applies.

6. Declaration of Interests

6.1 In accordance with the Council's Code of Conduct for Members, Members are reminded that it is a requirement to declare disclosable pecuniary interests and any other interest that they may have within the published register of interests.

7. Decision making

7.1 Currently the Council is subject to Direction from the Secretary of State and Commissioners are responsible for decision making on Grants.

8. Public Engagement

8.1 The Sub-Committee will engage local people in the delivery of its work programme and strategic issues on grants within the Council whilst directing representations on individual issues to the Commissioners and the Executive.

Updated: September 2016

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HEALTH SCRUTINY SUB-COMMITTEE

1. Terms of Reference and Quorum

1.1 The Health Scrutiny Sub-Committee will undertake the Council's functions under the National Health Service Act 2006 and associated Regulations and consider matters relating to the local health service as provided by the NHS and other bodies including the Council:

- (a) To review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
- (b) To respond to consultation exercises undertaken by an NHS body; and
- (c) To question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of the services.

1.2 The quorum will be 3 voting members.

1.3 The Health Scrutiny Sub-Committee will meet at least four times a year.

2. Reports

2.1 The Sub-Committee will report to full Council, Cabinet or the appropriate Cabinet member and make recommendations, as appropriate. All reports and/or recommendations of Scrutiny Sub-Committees shall first be considered by the Overview and Scrutiny Committee before being reported to full Council, Cabinet or the appropriate Cabinet member, as appropriate.

3. Proceedings of Scrutiny Sub-Committees

3.1 The Overview and Scrutiny Committee and its Scrutiny Sub-Committees will generally meet in public and conduct their proceedings in accordance with the Procedure Rules in Part 4 of the Constitution.

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Housing Scrutiny Sub-Committee Terms of Reference

Responsibilities

The Housing Scrutiny Sub-Committee will discharge the Council's statutory functions to undertake overview and scrutiny, insofar as these pertain to housing matters. This will include:

- (a) Reviewing and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's housing functions;
- (b) Advising the Mayor or Cabinet of key issues/questions arising in relation to housing reports due to be considered by the Mayor or Cabinet;
- (c) Making reports and/or recommendations to the Full Council and/or the Mayor, or Cabinet in connection with the discharge of housing functions;
- (d) Delivering (c) by organising an annual work programme, drawing on the knowledge and priorities of the Council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised;
- (e) Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements;
- (f) Considering housing matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public.
- (g) The Sub-Committee will report annually to the Overview and Scrutiny Committee on its work.

Support to the Sub-Committee

The Service Heads for Corporate Strategy and Equality (LPG) and Strategy, Regeneration and Sustainability (D&R) will be the senior officer leads and champion the work of the Sub-Committee.

The servicing of meetings will be undertaken by the Council's Democratic Services Team which will include:

- Meeting room bookings, refreshments
- Agenda preparation and dispatch
- Taking minutes and recording of actions/decisions

- Dissemination of minutes and decisions

The Corporate Strategy & Equality Service will provide policy support to the Sub-Committee which will include:

- Research and analysis
- Work programme development
- Support with undertaking reviews and challenge sessions
- Drafting review reports and challenge sessions

Proceedings

The Housing Scrutiny Sub-Committee will generally meet in public and conduct its proceedings in accordance with the rules and procedure contained in the Council's Constitution such as the:

- Council Procedure Rules
- Access to Information Procedure Rules, and
- The Overview and Scrutiny Procedure Rules