


Non-Executive Report of the: Overview and Scrutiny Committee 23 rd May, 2018	 TOWER HAMLETS
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