

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 8 July 2014 at 7.00 p.m., Room C1, 1st Floor, Town Hall,
Mulberry Place, 5 Clove Crescent, London, E14 2BG

This meeting is open to the public to attend.

Members:

Chair: Councillor Joshua Peck

Vice Chair: TBA

Councillor Suluk Ahmed

Councillor Mahbub Alam

Councillor Asma Begum

Councillor Peter Golds

(Leader of the Conservative Group)

Councillor Denise Jones

Councillor Abjol Miah

Councillor Md. Maium Miah

Councillor John Pierce

Co-opted Members:

Nozrul Mustafa

(Parent Governor Representative)

Rev James Olanipekun

(Parent Governor Representative)

Mr Mushfique Uddin

(Muslim Community Representative)

Dr Phillip Rice

(Church of England Representative)

1 Vacancy

(Roman Catholic Representative)

Deputies:

Councillor Khales Uddin Ahmed, Councillor Craig Aston, Councillor Julia Dockerill, Councillor Sirajul Islam, Councillor Rachael Saunders and Councillor Andrew Wood

[The quorum for this body is 3 Members]

Contact for further enquiries:

Angus Taylor, Democratic Services

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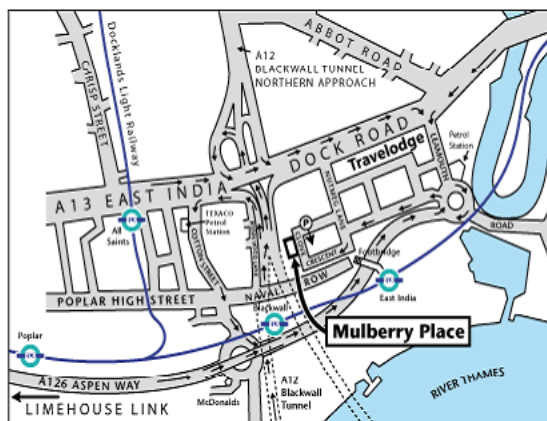
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1. APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair of Overview and Scrutiny Committee for the duration of the municipal year.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST 1 - 4

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.

4. UNRESTRICTED MINUTES 5 - 18

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 1 April 2014.

5. REQUESTS TO SUBMIT PETITIONS

To receive any petitions (to be notified at the meeting).

6. UNRESTRICTED REPORTS FOR CONSIDERATION

6 .1 Overview & Scrutiny Committee Terms of Reference, Membership, Quorum, Dates of meetings, Protocols and Guidance 19 - 46

To note Overview and Scrutiny Committee's Terms of Reference, Membership, Quorum, and Dates of future meetings.

To agree a start time for scheduled meetings during the remainder of the Municipal Year 2014/15; and adopt the protocols as set out at Appendix 4 to the report.

To note the guidance to facilitate the conduct of OSC business, in line with statutory and constitutional requirements.

6 .2 Appointment of Scrutiny Lead Members, Co-options to Overview and Scrutiny Committee, and Health Scrutiny Panel Terms of Reference and Appointments

47 - 54

To determine whether to continue to operate Lead Portfolios in the forthcoming term and appoint Lead Scrutiny Members for the Scrutiny Lead portfolios.

Note the co-option to the membership of the OSC of representatives in respect of education matters.

To note the establishment of the Health Scrutiny Panel by full Council, to discharge the Council's functions under the National Health Service Act 2006 and subsequent legislation.

To appoint members to the Health Scrutiny Panel for the Municipal Year 2014/15

To agree the co-option of representatives from the Tower Hamlets HealthWatch to the membership of the Health Scrutiny Panel for the Municipal Year 2014/15.

6 .3 Planning Work Programme

To discuss the work programme for the coming municipal year.

7. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated – 30 minutes).

8. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

To consider any other unrestricted business that the Chair considers to be urgent.

9. EXCLUSION OF THE PRESS AND PUBLIC

In view of the nature of the likely content of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

10. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL) CABINET PAPERS

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated 15 minutes).

11. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS THAT THE CHAIR CONSIDERS URGENT

To consider any other exempt/ confidential business that the Chair considers to be urgent.

Next Meeting of the Overview and Scrutiny Committee

Tuesday, 22 July 2014 to be held in Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 3

DECLARATIONS OF INTERESTS - NOTE FROM THE INTERIM 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 Interim 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 Interim Monitoring Officer following consideration by the Dispositions 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 Interim Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Interim Monitoring Officer, 0207 364 4801

John Williams, Service Head, Democratic Services, 020 7364 4204

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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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.05 P.M. ON TUESDAY, 1 APRIL 2014

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Motin Uz-Zaman (Chair)
Councillor Rachael Saunders (Vice-Chair)
Councillor Stephanie Eaton
Councillor Amy Whitelock Gibbs
Councillor Helal Uddin
Councillor Abdal Ullah
Councillor David Snowdon

Co-opted Members Present:

Memory Kampiyawo – (Parent Governor Representative)
Nozrul Mustafa – (Parent Governor Representative)
Rev James Olanipekun – (Parent Governor Representative)

Other Councillors Present:

Councillor Alibor Choudhury – (Cabinet Member for Resources)

Guests Present:

Mayor Lutfur Rahman –

Officers Present:

Tahir Alam – (Strategy Policy & Performance Officer, Chief Executive's)
Mark Cairns – (Senior Strategy, Policy and Performance Officer)
Stephen Halsey – (Head of Paid Service and Corporate Director Communities, Localities & Culture)
Frances Jones – (Service Manager One Tower Hamlets, Corporate Strategy and Equality Service, LPG)
Shamima Khatun – (Strategy, Policy and Performance Officer, Corporate Strategy and Equality Service, Chief Executive's)
Kevin Miles – (Chief Accountant, Resources)
Jackie Odunoye – (Service Head, Strategy, Regeneration & Sustainability, Development and Renewal)
Louise Russell – (Service Head Corporate Strategy and Equality, Law Probity and Governance)

Takki Sulaiman	– (Service Head Communications, Law, Probity and Governance)
Meic Sullivan-Gould	– (Interim Monitoring Officer)
Graham White	– (Interim Head of Legal Operations)
Antonella Burgio	– (Democratic Services)

CLLR MOTIN UZ-ZAMAN IN THE CHAIR

The Chair opened the meeting and welcomed; the Executive Mayor, Cabinet Member for Resources, Head of Paid Service, Committee Members, other invited Councillors and members of the public.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Co-opted Member Dr Phillip Price.

Apologies for the lateness were received from the Councillor Whitelock-Gibbs

Apologies were also noted from the following invited persons:

- Councillors Islam and Francis apologised that they were unable to attend to present item 7.7
- Councillor Alibor Choudhury attended to present item 7.8; during the meeting he apologised that he was unable to remain to present this item because of a clash of engagements.

RESOLVED

That all apologies be noted.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Reverend James Olanipekun declared a personal interest relating to agenda item 7.7 in that he was Vice-Chair of the board of Poplar HARCA.

3. UNRESTRICTED MINUTES

The minutes of the ordinary meeting held on 4 February 2014 were re-presented. Councillor Eaton advised that her attendance at this meeting had not been recorded and requested that the minutes be amended accordingly.

The minutes of the ordinary meeting held on 4 March 2014 were also presented. No requests for factual corrections were made.

The Chair **Moved** and it was:-

RESOLVED

1. That, subject to amendment to reflect Councillor Eaton's attendance, the unrestricted minutes of the meeting of Overview and Scrutiny Committee held on 4 February 2014 be approved as a correct record of proceedings.
2. That the unrestricted minutes of the meeting held on 4 March 2014 be approved as a correct record of proceedings.

4. REQUESTS TO SUBMIT PETITIONS

Nil items.

5. UNRESTRICTED REPORTS 'CALLED IN'

The Chair advised that the Service Head, Democratic Services and Interim Monitoring Officer had not received any requests to call-in decisions of the Mayor in Cabinet on 4 March in respect of unrestricted agenda reports.

6. SCRUTINY SPOTLIGHT - MAYOR

The Chair welcomed the Executive Mayor and Head of Paid Service to the meeting and invited the Executive Mayor to speak to Committee on matters that had been areas of priority in the current municipal year.

The Executive Mayor thanked the Chair for the opportunity to speak on his priorities as the Council commenced a new financial year.

In opening his presentation, the Executive Mayor advised that

- he considered the work of the Overview and Scrutiny Committee (OSC) a useful tool of the Council and noted that in contrast to other local authorities, there were high levels of scrutiny at Tower Hamlets
- although he had been unable to attend the meetings of OSC in person, he had ensured that Elected Executive Members attended to give an account to the Committee on his behalf
- his presentation would include a review of his policies for 2013–14; highlighting achievements and challenges
- in future, the Council must find efficiencies of over £200 million; because of ring-fenced budgets, these savings were required to be sourced from discretionary budgets
- The Government had not indicated when austerity measures would end and therefore the Council was required to continue to look for savings into the financial year 2017-18

The Executive Mayor advised that his priorities in 2013-14 had been:

Housing – he had:

- worked to improve access, availability and quality of social housing in the context of a challenging Government framework
- delivered the highest new homes bonus in the country
- delivered 4000 new affordable homes for the borough during his term of office
- secured Government funding to upgrade of housing stock to decent standards
- put in place £2 million of support to help residents avoid homelessness

Education – he had:

- set high targets for educational attainment and achieved a 12.9% improvement in educational performance
- offered support to all families in the borough through his policy for free school meals to all primary school children.

Crime – he had

- procured additional police officers
- facilitated reduction of crime in the borough year on year

In response to Members' questions the following information was provided:

Concerning the current position in regard to the cessation of East End life publication and the outcome of the publication's review, the Committee was informed that East End life was a cost neutral publication which raised money through advertising and that the Executive Mayor did not wish to undertake further discussion on this matter at present.

A Co-opted Member noted that East End Life publication provided essential information about the Council to residents and enquired how residents would continue to receive this if it were discontinued. The Committee was informed that for many years, the publication had provided a means for the dissemination of information to residents. If this were to be discontinued then other methods of communicating with residents would need to be found.

Concerning which service areas had been most impacted by funding reductions and which areas of risk were of most concern going forward, the Committee was informed that there was no indication that the Government would end austerity therefore financial challenges would continue. Hence it was likely that it would be necessary to find efficiencies in the financial year 2017-18. Reduction in funding had impacted all areas of the Council but the Council had been able to deliver its budget whilst maintaining its commitments to protect vulnerable people and frontline services. The Executive Mayor advised that he would be prudent in how services were delivered in future.

Concerning the rationale for holding meetings of the Corporate Third Sector Grants Programme Board in private, the Committee was informed that the current grants award process was the same as that that had operated previously. The Executive Mayor advised that mainstream grants were delivered through due process. Recommendations, having travelled through

the required processes, were then considered by the Executive Mayor and decisions published were subject to scrutiny via call-ins made to OSC. A Member of the Committee noted that under previous arrangements the proceedings of Grants Panels were published, at present minutes were not publicly available. The Executive Mayor disagreed with this view advising that decisions on grants were publicly taken and had also been examined through the scrutiny process. He advised also that whilst he had not been present in person to discuss the call-in of these decisions, his Executive Members had given an account to Overview and Scrutiny Committee on matters called-in. The Chair clarified that, at the call-in meeting, the minutes of the Corporate Third Sector Grants Board had been requested and provided to OSC Members on pink paper denoting that these were not publicly available and queried why a decision had been taken to process the minutes in this way since they contained no exempt information under Schedule 12 A to the local Government Act 1972. The Executive Mayor responded that that due process had been followed.

The Executive Mayor was requested to provide written information or report of all the outputs and achievements of the Corporate Third Sector Grants Board, detailing what outputs there had been and how the community had been served through the grants issued. The Executive Mayor responded that the voluntary sector lever delivered around £55 million of services. He was confident that there was a vigorous process operated and that there were measurements in place to ensure that the delivery was of benefit to the community. He did not respond to a request for further evidence to support his statement.

A Member of the Committee enquired how the proposal to provide free school meals to all primary pupils in the borough would be funded since Council had resolved that funding for this purpose could not be taken from reserves and was informed that the Mayoral policy would deliver free school meals to all primary school children for the next two years and clearly set out how this would be funded. The Executive Mayor was asked to explain how this would be achieved as the proposal had not been approved at Council. The Monitoring Officer provided clarification on this matter, referring to advice that he had provided at Council that new decisions could be taken by the Mayor within the rules of virement and this would be done in conjunction with the Section 151 Officer. Concerning whether original budgetary proposals included free school meals for year six pupils and how these would be funded, the Committee was informed that the original proposal had been amended and the amendment accepted; this revised proposal would deliver free school meals for the next two years. The Executive Mayor did not add any further comments to that of the Monitoring Officer's clarification on where funding would be sourced and did not comment on whether any executive order had been made since the last Council meeting in order to deliver this provision.

Concerning how the £2 million set aside for intervention against homelessness would be delivered transparently, the Executive Mayor advised that this would be deployed appropriately by officers based on needs criteria and would not involve a Member decision.

Concerning verification of the number of new homes built in the borough which had been delivered directly by the Executive Mayor, the Committee was informed that all homes, over which the Council had influence and which were made available through the choice application scheme, had been delivered through Mayoral provisions. The Chair challenged this number offering a figure of 15 properties. The Executive Mayor advised that there was a £50 million homes bonus has been delivered.

Views on the interaction between the Executive and OSC were discussed in the context of:

- use of OSC for political motives
- the Executive Mayor's failure to respond to OSC invitations compared to the practises of executives at other local authorities
- the uniqueness of the borough's political situation compared to other localities
- issues around lack of access to executive papers and decisions

A Member noted that, during the last year, 600 applications for the Education Maintenance Grant had been refused and enquired whether the criteria were already set when the advertisement was placed and if this advertisement had been published in East End Life. The Executive Mayor confirmed that the grants criteria had been set and agreed that this information would be made available to the Committee.

A Co-opted Member noted that in 2012-13 there were £50,000 of un-spent education attendance grants because the attendance criteria had been set at a high level and enquired:

- whether interventions were in place so that attendance criteria could be better achieved by applicants
- whether the under-spend would be reinvested in education

The Executive Mayor advised that the criteria had been set high to ensure that achieving good education was a priority and could be used as a driver for good educational attainment. He also confirmed that any under-spend would be reinvested in education.

At the invitation of the Chair a Co-opted Member offered her comments on the participation of the Executive Mayor advising that she was pleased that he had fulfilled the engagement. She noted that at times OSC had been unable to receive answers to their enquiries from officers and Cabinet Members and asked that, in future, the Mayor would provide answers to the Committee's questions. Another Co-opted Member thanked the Executive Mayor for stating his support of OSC in his submission. The Executive Mayor apologised if any other impression had been given and advised that he supported the work of OSC if properly done.

The Chair enquired:

- if the Executive Mayor would support publicity discouraging Tower Hamlets to become involved in electoral fraud

- whether the Mayor's publicity for building schemes around the borough, that incorporated his image in the design, would be removed during the forthcoming third period

The Executive Mayor advised that he did not support or promote fraud. Additionally he had already co-operated with the Police and Monitoring Officer to ensure that elections were free and fair.

There being no further matters to discuss, the Chair thanked the Executive Mayor for his attendance and participation.

RESOLVED

That the presentation be noted

Action by:

Antonella Burgio (Committee Officer, LPG)

7. UNRESTRICTED REPORTS FOR CONSIDERATION

7.1 Reference from Council - Investigation into Old Poplar Town Hall Update

The Monitoring Officer gave a verbal update on the referral from Council concerned with the marketing and sale of Old Poplar Town Hall. He informed the Committee that auditors Mazars had recently completed their report which was required to be cleared by the Council's external auditors KPMG before wider circulation. The relevant auditors at KPMG were presently unavailable to authorise the release to Senior Council Officers therefore the draft could not be approved until their return after the Easter break. He apologised and advised that the matter would be pursued concertedly to ensure that the information could be made available as soon as possible. He also advised that, on release, the auditors request that the report be circulated to OSC Members on a confidential basis.

A Member noted that Mazars delivered other audits for the Council and asked for confirmation that auditors who had produced the draft report were not the same as those that undertook other audit work for the Council. The Monitoring Officer advised that this information would be verified and an answer circulated to the Committee.

Concerning whether consideration of the matter was affected by pre-election restrictions, the Monitoring Officer advised that these did not affect the normal business of the Council therefore the delay was not a political matter.

Members were dissatisfied with the delay and that the report would be required to be considered on a confidential basis and a Member asserted that the Council should decide what was confidential. Members were advised that it would be unwise to let frustrations to lead to poor procedure. The Head of Paid Service acknowledged the Committee's dissatisfaction with the delay

and advised that he would write to KPMG to convey the Committee's dissatisfaction.

RESOLVED

That the verbal report be noted

Action by:

Meic Sullivan Gould (Interim Monitoring Officer, LPG)
Steve Halsey (Head of Paid Service)

7.2 Decent Homes Publicity Campaign 2013

The Service Head Communications introduced the update referring to the information provided in the report circulated in the supplementary agenda.

In response to Members' questions the following information was provided:

Concerning the origins of the publicity, the Committee was informed that the action originated with the former Assistant Chief Executive, Legal Services and had been executed by the former Director of Resources.

Concerning what work had been done to prepare the publicity for the decent homes campaign once it had been authorised, the Committee was informed that the project had been approved by the service and by the Council's Monitoring Officer at that time.

Concerning whether publicity, relating to the Executive Mayor, displayed on hoardings of construction schemes in the borough would be removed during the pre-election period, the Committee was informed that some publicity had been erected by other organisations and was therefore subject to other factors. The Monitoring Officer advised that the matter of publicity had been raised at an elections management meeting which also involved the Police and it had been recommended that Corporate Directors should be able to control publicity relating to Members. The Police, because of criminal damage issues and the additional work this would create, had asked for any existing publicity was not covered by blank sheets but suggested that the publicity boards surrounding construction sites were reversed or replaced during the election period. A Member noted that these hoardings might also be repainted for this time. A Member enquired whether all stationery headed "Mayor of Tower Hamlets" would be removed and was informed that all Council staff had been instructed that they may not use any publicity promoting a particular individual pre-election.

The Chair asked for confirmation that instructions and a timetable of materials to be obscured or removed would be sent to staff and was informed that this would be done by the 14th April, the date at which purdah ensued. Concerning whether the Council had resources in place to address this work, the Committee was informed that the costs had not yet been assessed however 'vinyl wraps' affixed to dustcarts could be removed easily.

Concerning to whom any infractions should be reported, the Committee was informed that an elections hotline had been established and the Monitoring Officer urged Members to use this provision as it not only provided monitoring data but also enabled any developing trends in inappropriate canvassing to be detected. The Chair requested that these details to be circulated to Members of the Committee.

Concerning whether any publicity material removed could be recycled the Committee was informed that the final wraps were not recyclable. It was noted that removal of publicity might generate substantial waste and it was suggested that OSC might wish to investigate recycling of all such publicity material and the cost implications of the removal of publicity for short periods.

RESOLVED

That the report be noted

Action by:

Antonella Burgio (Committee Officer, LPG)

7.3 Report of the Scrutiny Review of Accident and Emergency (A&E) Services in Tower Hamlets

The Vice-Chair presented the Scrutiny Review of A&E Services and highlighted the following findings:

- the service was used by young men and by mothers with young children in particular because of fast access to service
- there was little local recruitment into NHS services in the borough
- lessons from previous winter crises were not learned in planning for future NHS winter services

The report recommended:

- more research into the drivers of A&E user behaviours and a campaign to tackle these drivers
- that work needed to be done on how local people could be recruited at Bart's Health

The Chair thanked officers and Members involved in the review and suggested that Health Scrutiny Panel might also wish to investigate how GPs could better refer service users away from Barts and A&E.

RESOLVED

That the Scrutiny Review on the Accident and Emergency (A&E) Services agreed at the Health Scrutiny Panel meeting on the 11th March 2014 be approved by Overview and Scrutiny Committee and referred to Cabinet.

7.4 Resident Engagement in the Budget Process

Councillor Eaton noted that, historically, residents' responses to the budget setting consultation were poor. The review endeavoured to investigate this matter and explore how better participation could be achieved. She advised that the review was not able to arrive at any radical solutions but recommended that ongoing review of engagement be undertaken and the use of social media as a tool for engagement be explored. A Co-opted Member noted that the new Ward forums might provide a useful avenue for engagement and also enabled residents feel empowered.

The Chair thanked officers and Members for their work in undertaking the investigation

RESOLVED

1. That the draft report and the recommendations contained within it be approved for submission to Cabinet.
2. That in the event that any amendments be required to the report; the Service Head for Corporate Strategy and Equality be authorised to amend the draft report before submission to Cabinet, after consultation with the Chair of the Challenge Session.

7.5 Tower Hamlets Council's Approach to Support Staff with Specific Learning Difficulties

Councillor Eaton noted that, in undertaking the review, officers had been keen to engage with this subject but had not had opportunity to do so in the past. She advised that the review arrived at a number of complex recommendations which would require further follow-up.

The Chair thanked officers and Members involved in the review. Noting the support recommended for vulnerable staff, he recommended the report for approval and hoped that the Executive would also support the recommendations made.

RESOLVED

1. That the draft report and the recommendations contained within it be approved for submission to Cabinet.
2. That in the event that any amendments be required to the report; the Service Head for Corporate Strategy and Equality be authorised to amend the draft report before submission to Cabinet, after consultation with the Chair of the Challenge Session.

7.6 Youth Services Challenge Session

Councillor Helal Uddin introduced the report and highlighted the findings of the Challenge Session which were that:

- youth service provision was not consistent across the borough

- corporate endorsement of service provision was needed if the service was to meet the needs of the community.
- corporate endorsement was especially relevant if the service were to be outsourced
- the recommendations addressed the areas of need identified

The Chair thanked officers and Members involved in the review. He recommended the report for approval and that the Council work with RSLs to use their facilities to maximise opportunities for youth services

RESOLVED

1. That the draft report and the recommendations contained within it be approved for submission to Cabinet.
2. That in the event that any amendments be required to the report; the Service Head for Corporate Strategy and Equality be authorised to amend the draft report before submission to Cabinet, after consultation with the Chair of the Challenge Session.

7.7 Housing Co-regulation- report of the Scrutiny Working Group Progress Report

On behalf of Members of the working group, the Service Manager, One Tower Hamlets, summarised the findings of the report and in particular noted:

- the establishment of an independent complaints panel
- the recommendation that this model be used by other RSL's in future.

The following suggestions were also made:

- that the Council established a benchmark for all registered providers to attain
- that Tower Hamlets should undertake to take a lead in achieving legislation for co-regulation
- that a clause be added that residents have to be satisfied before further funding can be released
- that a further update be reported so that implementation of the recommendations can be monitored and ensured

The Service Head, Strategy, Regeneration & Sustainability, Development and Renewal informed the Committee that since the review was completed the first cross-landlord report has been produced which also recommended that residents' scrutiny be taken forward.

RESOLVED

1. That the report findings be noted
2. That a further scrutiny update into housing co-regulation should form part of the work programme

7.8 Strategic Performance and Corporate Revenue and Capital Budget Monitoring Q3 2013/14 (Month 9)

The Service Head Corporate Strategy and Equalities presented the performance monitoring data for Quarter 3 noting that the areas of strong performance were employment, street cleansing and flyposting. Additionally there had been improvement in performance for post-16 education and overcrowded households.

The Chief Accountant advised that, at the end of December 2013, the Council was on track to remain within its projected spend and also referred to the tabled papers which provided information requested by the Chair. This information has been appended to the minutes.

A Member enquired whether the 71.37% collection target for Council Tax was for a full year or part-year. It was confirmed that this was the $\frac{3}{4}$ year of the full year target.

RESOLVED

- That the Quarter 3 2013/14 performance be noted
- That the Council's financial position as detailed in section 3 and appendices 1-3 of the report be noted
- That it be noted that Cabinet will approve capital estimates for ESCW as set out in Appendix 4a

7.9 Log of Actions Requested at Overview and Scrutiny Committee Meetings During the Municipal Year 2013-14 (3)

The Chair noted the third update report. Referring to the action requested in relation to Elections update 2014 report considered on 7th January 2014, the Chair requested an assurance be given by all political parties and that a joint message be conveyed by all parties on electoral probity during the pre-election period. He asked also that this message also be delivered via a live TV advertisement.

RESOLVED

That the update be noted

8. VERBAL UPDATES FROM SCRUTINY LEADS

Nil items.

9. PRE-DECISION SCRUTINY OF UNRESTRICTED CABINET PAPERS

Nil items.

10. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

Nil items.

11. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

12. EXEMPT/ CONFIDENTIAL REPORTS 'CALLED IN'

Nil items.

13. PRE-DECISION SCRUTINY OF EXEMPT/ CONFIDENTIAL) CABINET PAPERS

Nil items.

14. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

Closing Comments

In closing the meeting, the Chair thanked Elected Overview and Scrutiny Committee Members, Co-opted Members, all guests and officers for supporting the work of the Committee during the municipal year. The Chair noted that his intentions for the year had been to ensure that the Council had been held to account and to provide value to the borough's residents in pursuing accountability and transparency.

The meeting ended at 8.55 p.m.

Chair, Councillor Motin Uz-Zaman
Overview & Scrutiny Committee

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Agenda Item 6.1

Committee	Date	Classification	Report No.
Overview & Scrutiny Committee	8 July 2014	Unrestricted	
Report of: Assistant Chief Executive (Legal Services)	Title : Overview & Scrutiny Committee Terms of Reference, Membership, Quorum, Dates of meetings, Protocols and Guidance		
Originating Officer(s) : Antonella Burgio, Committee Officer, Democratic Services	Ward(s) affected: All		

1. Summary

- 1.1 This report sets out the Terms of Reference, Membership, Quorum and Dates of meetings of the Overview & Scrutiny Committee (OSC) for the Municipal Year 2014/15;
- 1.2 The report also sets out suggested protocols and guidance to facilitate the conduct of the Committee's business and thereby meet its statutory and constitutional requirements.

2. Recommendation

The OSC is recommended to:-

- 2.1 Note its Terms of Reference, Membership, Quorum, and Dates of future meetings, as set out at Appendices 1, 2 and 3 to this report;
- 2.2 Consider and agree a start time for scheduled OSC meetings during the remainder of the Municipal Year 2014/15; and
- 2.3 Adopt the protocols as set out at Appendix 4 to this report
- 2.4 Note the guidance to facilitate the conduct of OSC business, in line with statutory and constitutional requirements, as set out at Appendix 4 to this report.

3. Background

- 3.1 At the Annual General Meeting of the full Council held on 11 June 2014, the Authority approved the proportionality, establishment of the Committees and Panels of the Council and appointment of Members to these bodies.
- 3.2 It is traditional that, following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, those committees note their Terms of Reference, Membership and Quorum for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to this report respectively.

4. Dates and Start Times

- 4.1 The dates of OSC meetings for the remainder of the Municipal Year, agreed by the full Council AGM on 11 June 2014 (Calendar of Meetings for the 2014/15 Municipal Year) are set out in Appendix 3 to this report.
- 4.2 In general committee meetings are scheduled to take place at 7.30pm in accordance with the Council's Constitution and Calendar of Meetings agreed by the full Council. However, in recent years the OSC has met at 7.00pm, and former OSC Chairs / OSC members considered that this time had worked well for OSC members and others attending. OSC Members may therefore wish to consider if a start time other than the time stated in the Constitution would be appropriate and agree a start time for scheduled OSC meetings during the remainder of the Municipal Year.

5. Protocols for the conduct of business

- 5.1 The protocols and guidance attached at Appendix 4 to this report have been prepared with the intention of assisting the Committee to carry out its Constitutional and statutory obligations. They provide a viable framework for the practical functioning of the Committee and outline how the Committee will manage its work.

6. Comments of the Chief Financial Officer

- 6.1 This report describes the Terms of Reference, Membership, Quorum and Dates of meetings of the OSC for the Municipal Year 2014/15 for the information of members of the Committee.
- 6.2 There are no specific financial implications arising from the reports recommendations; however in the event that the Council agrees further action in response to this report's recommendations then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

7. Legal Comments

- 7.1 Section 9F of the Local Government Act 2000 requires authorities to set up an Overview and Scrutiny Committee. The report properly informs the Committee of the Constitutional arrangements and proposes protocols and guidance for adoption by the Committee to supplement the implementation of those arrangements.

8. One Tower Hamlets Considerations

- 8.1 Equal opportunities and reducing poverty will be central to the work of the OSC. The report will allow the Committee and its members to function well over the coming year and work towards reducing poverty in the borough and improve equal opportunities.

10. Risk Management Implications

- 10.1 The adoption of the protocols and guidance set out in Appendix 1 will assist in the effective and efficient functioning of the OSC and therefore reduce the risk of poor delivery of the Council's Overview and Scrutiny function.

11. Crime and Disorder Reduction Implications

- 11.1 The report indicates for Member's information that the OSC has within its Terms of Reference the discharge of functions required of the Authority under the provisions of the Police and Justice Act 2006.

12. Appendices

Appendix 1 OSC Procedure Rules

Appendix 2 OSC Membership 2014/15

Appendix 3 OSC Scheduled Meeting Dates 2014/15

Appendix 4 OSC Protocols and guidance for conduct of business

LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED) LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"

If not supplied Name and telephone number of holder

n/a

n/a

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APPENDIX 1

OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES (PART 4 – Section 4.5 of the Council’s Constitution 2014)

1. THE ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

- 1.1** The Council will establish the Overview and Scrutiny Committee and Sub-Committees or Scrutiny Panels set out in Article 6. The Council will appoint the Chair and Members of the Overview and Scrutiny Committee and the Overview and Scrutiny Committee will appoint the Chair and Members of the Sub-Committees or Scrutiny Panels. The Vice-Chair of each Committee and Sub-Committee/Panel shall be appointed by the Committee or, as the case may be, Sub-Committee/Panel itself.
- 1.2** There will be one standing Scrutiny Panel to discharge the Council’s functions under the National Health Service Act 2006. There will be such other Scrutiny Panels during the course of the municipal year as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.
- 1.3** The Overview and Scrutiny Committee will comprise nine Members of the Council and six co-opted members. Up to three substitutes may be appointed for each Councillor. Its terms of reference are:
- (a) The performance of all overview and scrutiny functions on behalf of the Council.
 - (b) The appointment of such Sub-Committees (Scrutiny Panels) as it considers appropriate to fulfil those functions, determining those Scrutiny Panels’ composition (including any co-opted Members) and terms of reference.
 - (c) To approve an annual overview and scrutiny work programme including the work programme of any Scrutiny Panels it appoints to ensure that there is efficient and effective use of the Committee’s time and the time of the Council’s Scrutiny Panels.
 - (d) To advise the Mayor and Cabinet of key issues/questions to be considered in relation to reports due to be considered by the Executive.
 - (e) To exercise the right to call in for reconsideration any executive decisions taken but not yet implemented.
 - (f) To determine whether to request full Council to review or scrutinise any decision called in, where considered contrary to the budget and policy framework and whether to recommend that the decision be reconsidered.

- (g) To receive and consider requests from the Executive for scrutiny involvement in the annual budget process.
- (h) To monitor the Executive's forward plan to ensure that appropriate matters are subject to scrutiny.
- (i) To consider any matters relevant to the remit of the Committee required by a Committee Member to be considered under s.21 (8) Local Government Act 2000.
- (j) To consider any local government matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007.
- (k) To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.

1.4 The Health Scrutiny Panel will undertake the Council's functions under the National Health Service Act 2006 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.

1.5 The membership of individual Scrutiny Panels and their terms of reference will be determined by the Overview and Scrutiny Committee. They will include the following:

- (a) To investigate, scrutinise, monitor and advise in relation to:
 - How services are being delivered and the Council's functions discharged.
 - How policies have been implemented and their effect on the Council's corporate strategies (i.e. equal opportunities, anti-poverty and crime and disorder).
 - The development of relevant policy.
 - How resources are being used, spent and managed.
 - Any other matter, relevant to the specific remit of the Scrutiny Panels, which affects the Council's area or any of its inhabitants.

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY?

- 2.1** All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committee and Scrutiny Panels. However, no Member may be involved in scrutinising a decision in which s/he has been directly involved.
- 2.2** The Overview and Scrutiny Committee will select from among its Councillor Members six lead Scrutiny Members, one for each of the following service areas:-

Communities, Localities and Culture
Children's Services
Resources
Development and Renewal
Chief Executives
Adults, Health and Wellbeing

These themes may be subject to change from time to time.

- 2.3** The Lead Scrutiny Member for Adults, Health and Wellbeing shall be appointed as a member and Chair of the Health Scrutiny Panel.

3. CO-OPTEEES

- 3.1** The Overview and Scrutiny Committee will be responsible for approving co-opted Members for the Scrutiny Panels. Co-opted Members will be non-voting.

4. EDUCATION REPRESENTATIVES

- 4.1** The Overview and Scrutiny Committee must include in its membership the following voting representatives in respect of education matters:

4.1.1 One Church of England diocese representative;

4.1.2 One Roman Catholic diocese representative; and

4.1.3 Three parent governor representatives elected under the procedures contained in the Parent Governor Representatives (England) Regulations 2001.

This Rule and Rule 4.2 and 4.3 below also apply to any Scrutiny Panel established in respect of education matters.

- 4.2** The Committee may also include a Muslim representative in a non-voting capacity.

- 4.3 These Members may speak but not vote on any other (i.e. non educational) matters.

5. MEETINGS

- 5.1 The Overview and Scrutiny Committee shall meet in accordance with the calendar of meetings approved by the Council. The Chair of the Committee may call an extraordinary meeting of the Committee at any time subject to the ordinary rules on the convening of meetings and the Access to Information Procedure Rules.

- 5.2 The Scrutiny Panels shall meet in accordance with a timetable agreed by the Overview and Scrutiny Committee, but will establish their own pattern of meetings within this framework and the Chair of Scrutiny may decide to lead any scrutiny panels.

6. QUORUM

- 6.1 The quorum for the Overview and Scrutiny Committee and the Scrutiny Panels shall be three voting Members.

7. WHO CHAIRS THE OVERVIEW AND SCRUTINY COMMITTEE AND THE SCRUTINY PANELS

- 7.1 The Chair of the Overview and Scrutiny Committee and the Chairs of the Scrutiny Panels will be drawn from among the Councillors sitting on the Committee.

- 7.2 The Council shall appoint a Member to serve as Chair of the Overview and Scrutiny Committee. If the Council does not, and subject to the requirement at 7.1 above, the Committee may appoint such a person as it considers appropriate as Chair.

8. WORK PROGRAMME

- 8.1 The Overview and Scrutiny Committee will be responsible for agreeing the overview and scrutiny work programme for the year.

9. AGENDA ITEMS

- 9.1 Any Member of the Overview and Scrutiny Committee and/or any Scrutiny Panel shall be entitled to give notice to the Director of Law, Probity and Governance that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request the Director of Law, Probity and Governance will ensure that it is included on the next available agenda provided that it is relevant to the Committee work programme.

- 9.2** The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and if it considers it appropriate the Mayor or Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Mayor/Executive and/or Council. The Executive shall consider the matter at one of its next two meetings following receipt of the report. If the matter is relevant to the Council only then will they consider the report at their next meeting.
- 9.3** Any Member of the Council may refer to the Overview and Scrutiny Committee a local government matter in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007. In relation to any matter referred under this provision, the Committee shall consider whether or not to exercise its powers under section 21B of the Local Government Act 2000 to make a report or recommendation(s) to the authority or the executive on the matter.
- 9.4** A “local government matter” at 9.3 above is one that: (a) relates to the discharge of any function of the authority; (b) affects all or part of the Member’s electoral area or any person who lives or works in that area; and (c) is not an excluded matter. Excluded matters are: any matter relating to a planning decision; any matter relating to a licensing decision; any matter relating to an individual in respect of which the individual has a right of appeal; and any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or disclosed at, the Overview and Scrutiny Committee or Panel.
- 9.5** If the Committee decides not to exercise any of its powers in relation to a matter referred to it under 9.3 above, it shall notify the Member who referred the matter of its decision and the reasons for it. If the Committee does make any report or recommendation(s) to the authority or the executive on the matter referred, it shall provide the Member with a copy of that report or recommendation(s), subject to the provisions of section 21D of the Act regarding confidential or exempt information.

10. POLICY REVIEW AND DEVELOPMENT

- 10.1** The role of the Overview and Scrutiny Committee in relation to the development of the Council’s budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 10.2** In relation to the development of the Council’s approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Mayor or Executive for developments in so far as they relate to matters within its terms of reference.

- 10.3** The Overview and Scrutiny Committee or any Scrutiny Panel established for this purpose may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. REPORTS FROM OVERVIEW AND SCRUTINY

- 11.1** All reports from Scrutiny Panels must first be considered by the Overview and Scrutiny Committee. Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Director of Law, Probity and Governance for consideration by the Mayor or Executive (if the proposals are consistent with the existing budgetary and policy framework) or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 11.2** The Executive shall consider the report of the Overview and Scrutiny Committee one of its next two meetings following submission of the report to the Director of Law, Probity and Governance. The Council will consider the report at its next ordinary meeting if appropriate.

12. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE EXECUTIVE

- 12.1** Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Director of Law, Probity and Governance who will allocate it to either the Executive or the Council for consideration in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and the Local Authorities (arrangements for the Discharge of Functions) Regulations 2000.
- 12.2** If the Director of Law, Probity and Governance refers the matter to Council, s/he may first refer it to the Mayor or Executive, who will have two weeks in which to consider the Overview and Scrutiny report and formulate any additional comments or recommendations. The Mayor or Executive will then refer the report, along with their own additional comments and recommendations, to the Council. When the Council does meet to consider any referral from an Overview and Scrutiny Committee, it shall also consider any additional comments or recommendations of the Mayor or Executive to the Overview and Scrutiny Committee proposals.

12.3 For the avoidance of doubt, the Mayor or Executive shall not alter or amend any Overview and Scrutiny Committee report before referring it to Council, but shall only make additional comments or recommendations (including any corporate, financial or legal implications) as may be appropriate. However, if the Council does not agree with the Mayor's or Executive's recommendations, the disputes resolution procedure in Part 4.3 – Budget and Policy Framework Procedure Rules – Rule 2 – will apply.

12.4 If the contents of the report would not have implications for the Council's budget and policy framework, and is thus not referred to Council by the Director of Law, Probity and Governance, the Mayor or Executive will have 2 weeks in which to consider the matter and respond to the overview and scrutiny report.

12.5 Where the Overview and Scrutiny Committee makes a report or recommendations to the authority or the Mayor or Executive in accordance with section 21B of the Local Government Act 2000 as amended, the Committee shall by notice in writing require the authority or Mayor or Executive:-

- (a) to consider the report or recommendations;
- (b) to respond to the overview and scrutiny committee indicating what (if any) action the authority propose, or the Mayor or Executive proposes, to take;
- (c) if the Overview and Scrutiny Committee has published the report or recommendations, to publish the response,
- (d) if the Overview and Scrutiny committee provided a copy of the report or recommendations to a Member of the Authority under paragraph 9.4 of these Procedure Rules, to provide that Member with a copy of the response,

and to do so within two months beginning with the date on which the authority or Mayor or Executive received the report or recommendations or (if later) the notice.

12.6 It is the duty of the authority or Mayor or Executive to which a notice is given under 12.5 above to comply with the requirements specified in the notice.

13. RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS

13.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee or a Scrutiny Panel have such additional rights to documents, and to notice of meetings as may be set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

13.2 Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

14. MEMBERS AND OFFICERS GIVING ACCOUNT

14.1 The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling their role, they may require the Mayor, any other Member of the Executive, a Councillor, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

14.1.1 any particular decision or series of decisions;

14.1.2 the extent to which the actions taken implement Council policy; and/or

14.1.3 their performance, within their area of responsibility; and it is the duty of those persons to attend as so required.

14.1.4 any function exercisable by a Councillor in accordance with any delegation made by the Council under section 236 of the Local Government and Public Involvement in Health Act 2007.

14.2 Where any Member or officer is required to attend the Overview and Scrutiny Committee or a Scrutiny Panel under this provision, the Chair of the Committee or Panel will inform the Chief Executive. The Chief Executive shall inform the Member or officer in writing giving at least 15 working days notice of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers are required to be produced for the Committee or Panel. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

14.3 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Committee or Panel shall in consultation with the Member or officer arrange an alternative date for attendance, to take place within a maximum of 21 working days from the date of the original request.

15. ATTENDANCE BY OTHERS

15.1 The Overview and Scrutiny Committee or a Scrutiny Panel may invite people other than those people referred to in Rule 14 above to address it, discuss issues of local concern and/or answer questions.

It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

16. CALL-IN

16.1 When a decision is made by the Mayor, the Cabinet, an individual Member of the Executive, a Committee of the Executive, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 5 working days of being made. Members of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

16.2 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 5pm on the fifth clear working day, after the publication of the decision unless, after receiving a written request to do so, the Director of Law, Probity and Governance calls the decision in.

16.3 During that period, the Director of Law, Probity and Governance shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by:

16.3.1 Not fewer than five Members of the Council; or

16.3.2 Two voting church, faith or parent governor representative in respect of any education matters only;

16.3.3 The request for a call-in must give reasons in writing and outline an alternative course of action. In particular, the request must state whether or not those Members believe that the decision is outside the policy or budget framework.

16.4 The Director of Law, Probity and Governance shall call-in a decision within twenty-four hours of receiving a written request to do so and shall place it on the agenda of the next meeting of the Overview and Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the Chair of the Committee, and in any case within five clear working days of the decision to call-in. However, the Director of Law, Probity and Governance will not call-in:

16.4.1 Any decision which has already been the subject of call-in;

16.4.2 A decision which is urgent as defined in Rule 17.1 below and has to be implemented prior to the completion of any review. In such circumstances the decision – taker(s) shall give reasons to the Overview and Scrutiny Committee; and

- 16.4.3** Decisions by regulatory and other Committees discharging non-executive functions;
 - 16.4.4** Day to day management and operational decisions taken by officers;
 - 16.4.5** A resolution which merely notes the report or the actions of officers;
 - 16.4.6** A resolution making recommendations to full Council.
- 16.5** Where the matter is in dispute, both the Chief Executive and the Monitoring Officer should be satisfied that one of the above criteria applies.
- 16.6** The Director of Law, Probity and Governance shall then notify the decision-taker of the call-in, who shall suspend implementation of the decision.
- 16.7** If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Mayor or Executive for reconsideration, setting out in writing the nature of its concerns or if the matter should properly be considered by Council refer the matter to full Council. If referred to the decision-maker they shall then reconsider within a further 5 clear working days or as soon as is reasonably practical thereafter, amending the decision or not, before adopting a final decision.
- 16.8** For the avoidance of doubt, if the Overview and Scrutiny Committee refers a matter back to the decision-making person or body, the implementation of that decision shall be suspended until such time as the decision-making person or body reconsiders and either amends or confirms that decision.
- 16.9** If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further 5 working day period, whichever is the earlier.
- 16.10** If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, then the Council will refer any decision to which it objects back to the decision making person or body together with the Council's views on the decision. That decision making person or body shall decide whether to amend the decision or not before reaching a final decision and

implementing it. Where the decision was taken by the Executive as a whole or a Committee of the Executive, a meeting will be convened to reconsider within five clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within five clear working days of the Council request.

- 16.11** If the Council does not meet, or it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

17. CALL-IN AND URGENCY

- 17.1** The call-in procedure set out in Rule 16 above shall not apply where the decision being taken by the Mayor, the Executive or a Committee of the Executive, or the key decision being made by an officer with delegated authority from the Executive or under joint arrangements is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interests.

- 17.2** The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

- 17.3** The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Speaker of the Council's consent shall be required. In the absence of both, the consent of the Deputy Speaker of the Council or the Head of Paid Service or her/his nominee shall be required.

- 17.4** Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- 17.5** The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

18. THE PARTY WHIP

- 18.1** The use of the party whip to influence decisions of the Overview and Scrutiny Committee or one of its Panels is inappropriate.

- 18.2** In this rule "a party whip" means any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council or any Committee, or the application or threat to apply any

sanction by the group in respect of that Councillor should s/he speak or vote in any particular manner.

19. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

19.1 The Overview and Scrutiny Committee and the Scrutiny Panels shall consider the following business:

- (i) Minutes of the last meeting;
- (ii) Declarations of interest;
- (iii) Consideration of any matter referred to the Committee for a decision in relation to call-in;
- (iv) Responses of the Executive to reports of Overview and Scrutiny;
- (v) The business otherwise set out on the agenda for the meeting.

19.2 Where the Overview and Scrutiny Committee or a Scrutiny Panel conducts investigations (e.g. with a view to policy development), the body may also ask people to attend to give evidence at meetings of the body. Such meetings are to be conducted in accordance with the following principles:

19.2.1 that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

19.2.2 that those assisting the Committee by giving evidence be treated with respect and courtesy; and

19.2.3 that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

19.3 Following any investigation or review, the Committee or Panel shall prepare a report, for submission to the Mayor/Executive and/or Council as appropriate by the Overview and Scrutiny Committee, and shall make its report and findings public in so far as the report does not contain exempt or confidential information.

20. SUSPENSION

20.1 Any part of these Rules may be suspended in accordance with Council Procedure Rule 26 of Part 4.1 of this Constitution provided such suspension is not contrary to the law.

APPENDIX 2

**OVERVIEW AND SCRUTINY COMMITTEE
MEMBERSHIP 2014/15
(Approved at Annual Council 11 June 2014)**

OVERVIEW AND SCRUTINY COMMITTEE (Nine members of the Council plus six co-opted members)			
<i>Labour Group (4)</i>	<i>Tower Hamlets First Group (4)</i>	<i>Conservative Group (1)</i>	<i>Co-opted Members (for information – to be appointed by Overview & Scrutiny Committee)</i>
<p>Cllr Joshua Peck (Chair) Cllr Asma Begum Cllr Denise Jones Cllr John Pierce</p> <p>Deputies:- Cllr Khaless Uddin Ahmed Cllr Sirajul Islam Cllr Rachael Saunders</p>	<p>Cllr Suluk Ahmed Cllr Mahbub Alam Cllr Abjol Miah Cllr Md. Maium Miah</p> <p>Deputies:- t.b.c.</p>	<p>Cllr Peter Golds</p> <p>Deputies:- Cllr Craig Aston Cllr Julia Dockerill Cllr Andrew Wood</p>	<p>Nomination received after Annual Council – Muslim Community representative</p> <p>Vacancy – Roman Catholic Diocese of Westminster representative</p> <p>Dr Phillip Rice - Church of England Diocese representative</p> <p>Parent Governor representatives:-</p> <ul style="list-style-type: none"> • Nozrul Mustafa • Revd James Olanipekun

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APPENDIX 3

OVERVIEW AND SCRUTINY COMMITTEE

SCHEDULE OF MEETING DATES 2014/15

Tuesday 22 July 2014 (5.30pm)
Tuesday 2 September 2014
Tuesday 30 September 2014
Tuesday 4 November 2014
Tuesday 2 December 2014
Tuesday 6 January 2015
Monday 19 January 2015 (Budget)
Tuesday 3 February 2015
Monday 10 February 2015 (Budget)
Tuesday 3 March 2015
Tuesday 7 April 2015
Tuesday 12 May 2015 (provisional*)
Tuesday 2 June 2015 (provisional*)

Note

The Constitution provides that, unless otherwise agreed by the OSC Chair and Members, the meetings will take place at the time determined by the Committee and in accordance with the Calendar of Meetings agreed by the full Council AGM, with the exception of the meeting on 22 July which is scheduled to commence at 5.30pm, as it falls within the holy month of Ramadan (26 June – 26 July).

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Overview and Scrutiny Committee – Guidance and Protocols

1. Introduction

- 1.1 This report outlines guidance and protocols for the functioning of the Overview and Scrutiny Committee (OSC) in Tower Hamlets. The protocols and guidance are intended to assist the OSC to implement the requirements of the Local Government Act 2000 and the Council's Constitution. To the extent of any inconsistency, the Act and the Constitution prevail.

Guidance

2. Roles and Responsibilities for Scrutiny Members

- 2.1 The overall purpose of each position will be to strengthen the Scrutiny process in Tower Hamlets and to make it part of the process of improvement. To accomplish this, Members will have the following roles and responsibilities.
- 2.2 Chair of Overview and Scrutiny
- co-ordinates the work of Scrutiny by developing the Committee's work programme in line with the Council's Forward Plan
 - chairs the Committee meetings
 - plans co-operatively meeting agendas and timetables with officers and other members (from both minority and majority parties) to ensure all areas of Scrutiny business are undertaken effectively
 - leads the work of OSC on budget matters
 - represents Overview and Scrutiny at Executive meetings and at community and other outside events
 - represents Tower Hamlets at London Scrutiny Network meetings
 - works in a cross-party and consensual manner to ensure the effectiveness of Scrutiny
 - contributes to developing the community leadership role of Scrutiny
 - Delegates to scrutiny Members to represent the Committee at Council meetings and external events.
- 2.3 Overview and Scrutiny Committee will appoint Scrutiny Leads who will:
- ensure the accountability of those Executive members and chief officers who have primary responsibility within their portfolio theme
 - assess the effectiveness of existing policy in the portfolio area
 - support the development of new and revised policy
 - ensure effective liaison with the Tower Hamlets Partnership
 - lead and co-ordinate scrutiny activity in his/her area including reviews, investigations and challenge sessions
 - ensure effective liaison with internal and external stakeholders
 - work in a cross-party and consensual manner to ensure the effectiveness of Scrutiny
 - contribute to developing the community leadership role of Scrutiny

2.4 Skills and aptitudes

Members will require the following skills and aptitudes to undertake the above roles effectively:

- understanding of the Scrutiny process and its place within the Council's overall objectives
- understanding of how Scrutiny can help improve performance management by effective performance monitoring
- willingness to help develop Scrutiny's role within the local Partnership agenda and, where appropriate, within London-wide and national arena
- willingness to work co-operatively with members from all political parties, officers and partners (outside organisations)
- ability to chair meetings
- ability to question constructively and get the best from those attending Scrutiny meetings
- willingness to liaise with officers in the drafting of reports and refining reporting mechanisms
- willingness to participate in developmental work to strengthen the Scrutiny process including training and seminars

A willingness to develop these skills through Member Learning and Development will be as crucial as being able to demonstrate them.

3. Agenda

3.1 The Committee's regular agenda items will comprise of the following in the course of the year:

Report	Timing
'Call-in'	When these occur – see paragraph 4.1
Budget and Policy Framework items	Normally considered at the OSC meeting the evening before Cabinet - see paragraph 4.3
Strategic Performance and Budget Monitoring reports	Timetabled through the year - see 4.4
Tracking progress of OSC recommendations	Periodic reports on progress implementing previous scrutiny reviews.
Updates on implementation of previous scrutiny reviews	Timetabled throughout the year
Scrutiny Spotlights	Timetabled throughout the year
OSC Work Programme including the programme of topics for review.	Beginning of the municipal year and progress considered each month thereafter - see paragraph 4.2

3.2 Ad hoc agenda items might include the following:

- Items of business requested by members of the Overview and Scrutiny Committee under the provisions of the Council's Constitution as amended (Part 4 – "Rules of Procedure", Section 4.5 – "Overview and Scrutiny Procedure Rules", Rule 9.1). See paragraph 4.7.

- Matters referred to the Overview and Scrutiny Committee under the provisions of the Council’s Constitution as amended (Part 4 – “Rules of Procedure”, Section 4.5 – “Overview and Scrutiny Procedure Rules”, Rule 9.3) in accordance with Section 119 of the Local Government and Public Involvement in Health Act 2007. See paragraph 4.8.

Protocols / Procedures

4. ‘Call-In’

4.1.1 For details of the call-in procedure, please see Appendix 1.

4.1.2 There are 2 forms of Executive Decision that can be ‘Called In’:

- Decisions of the Mayor taken in Cabinet
- Decisions of the Mayor taken outside Cabinet (Mayor’s Executive Decision Making).

Should the OSC decide to refer a ‘Call In’ back to the Executive for further consideration it will be referred to the Mayor in Cabinet or Mayor outside Cabinet consistent with the way in which the original decision was taken.

4.1.3 Protocol for transacting a ‘Call In’ at OSC:

If a decision is Called In, the OSC will consider it at its next meeting in a strictly time limited slot of up to one hour. The protocol for transacting this business would be as follows:

- presentation of the ‘Call In’ by one of the ‘Call In Members followed by questions from OSC Members
- response from Cabinet Members/officers followed by questions from OSC Members
- general debate among OSC Members followed by a decision
- The ‘Call In’ Member who presented to OSC would not be allowed to speak again or vote on the item
- the Committee would then either resolve to take no action (in effect endorsing the original decision) or refer the matter back to Cabinet for further discussion, setting out the nature of its concerns and possibly recommending an alternative course of action.

5. Overview and Scrutiny work programme

5.1 OSC will agree its work programme at the beginning of the municipal year and consider progress every month. The work programme will take into account the Cabinet’s Forward Plan. The programme will include when OSC will consider budget and policy framework reports and Strategic Performance & Budget Monitoring reports.

6. Budget and Policy Framework items

6.1 The Budget and Policy framework, set out in Article 4 of the Constitution, outlines the plans and strategies required by statute to be approved by the full Council and which OSC should examine:

- Crime and Disorder Reduction Strategy
- Development Plan Documents and plans/ alterations which together comprise the Development Plan.
- Licensing Authority Policy Statement

- Sustainable Community Strategy
- Authority's Housing Strategy
- Authority's Environmental Strategy
- Employment Strategy
- Enterprise Strategy
- Waste Strategy
- Open Space Strategy

6.2 The Council's budget which the OSC should examine includes the annual allocation of financial resources to different services and projects following the announcement of the government's grant to the authority, the treatment of risk including level of reserves and proposed contingency funds, setting the council tax (including the recommended council tax base), and decisions relating to the control of the Council's borrowing, the control of its capital expenditure and the setting of virement limits.

7. Performance and information monitoring

7.1 OSC will throughout the course of the year regularly monitor and examine reports on performance monitoring, Strategic Plan performance and Budget monitoring (Quarterly). Within the Scrutiny Spotlight session, it will also receive presentations from the Mayor, the Borough Commander, Lead Members and Corporate Directors on the performance and challenges facing key Council services.

8. Reviews, Investigations and Challenge Sessions

8.1 As part of its work programme for the year, OSC will include issues and services for investigation, review and challenge sessions. This must be:

- flexible to allow some capacity to address new issues during the year or to delve deeper into some issues following initial work.
- achievable and reflect the capacity available to support Scrutiny's work.

8.2 The Work Programme will be drawn up after consideration of key documents such as the Annual Residents' Survey, Annual Audit and Inspection Letter, Strategic Plan Performance & Budget monitoring, Tower Hamlets Index and the Local Area Partnership Plans to identify potential scrutiny issues. It will also consider issues raised through Scrutiny's own work such as the performance monitoring role, as well as specific reviews.

8.3 The following criteria act as a guide in prioritising the selection of issues:

- a service or issue that requires significant improvement
- a service or issue of poor or challenging performance
- an area of national policy development that impacts or has the potential to impact on one or more sections of the community
- an inspection is planned for the service where Scrutiny would add value to Council and partner performance
- a controversial or sensitive issue that would benefit from a risk-management approach and the pro-active engagement of partners and local communities.

8.4 Where Scrutiny Panels are established to deliver the Committee's work, their membership will be constituted according to proportionality rules and in liaison with Party whips. It would be expected that membership would be based on the expressed interests of Members.

- 8.5 Please see Appendix 1 to this report for further details on the conduct of scrutiny reviews.
- 8.6 A report on all investigations, reviews and challenges sessions will be presented to OSC. Where there are recommendations that Cabinet need to consider, the review report will be submitted to Cabinet with an action plan (via the usual pre-agenda planning process). Reports may also be submitted to partner organisations for their response following consideration by Cabinet. Challenge Session reports are agreed by OSC following this an action plan is developed by the department which is then monitored through an implementation progress report. In circumstances, where there are resource implications the report will be presented to Cabinet.
- 8.7 Progress updates on implementation of previous scrutiny review recommendations will be considered throughout the year by OSC. .

9. Pre-decision scrutiny of Cabinet business

- 9.1 Consideration of the Forward Plan will allow the OSC to highlight upcoming issues for the review programme or for further work by the relevant Lead Scrutiny Member.
- 9.2 The OSC meets the night before Cabinet and has the opportunity to raise questions which it considers Cabinet should take into account in reaching its decisions. OSC Members receive the Cabinet papers on their initial despatch the week before the meeting.
- 9.3 Protocol for submission of pre-decision scrutiny questions:
- Members must notify the Chair in writing (via the SPP Team) of any questions they wish to raise by 12 noon on the Monday of the same week of OSC and Cabinet meetings.
 - When necessary, the Chair, Vice Chair and a nominated Minority Member will meet prior to OSC meeting to determine how the time allocated for pre-decision scrutiny questions at the OSC meeting could best be used if there are a significant number of questions raised. The following criteria would be used:
 - questions should be new and not ones already addressed in the report or that have been the subject of correspondence or review elsewhere
 - questions for information should be raised directly with the report author
 - first priority should be given to consideration of reports with large scale, cross-borough policy implications
 - questions should consider they can influence the decision of the Cabinet to ensure it meets local needs.
- 9.4 Protocol for transacting pre-decision scrutiny at OSC:
- There will be a maximum time slot of 45 minutes to consider pre-decision scrutiny questions for Cabinet.
 - Members will be able to raise questions and comments only, not to have a full scale debate on issues.
 - The OSC will aim for a consensual agreement on the issues/ questions to be raised with Cabinet.
- 9.5 The OSC Chair will have an allocated 10 minute slot on the Cabinet agenda to feedback any questions together with any other issues from the Committee's

deliberations. The Chair may also appoint a delegate to undertake this function if he/she is unavailable to attend.

10. Items of business requested by members of the OSC under the provisions of the Overview and Scrutiny Procedure Rule 9.1

10.1 Members of the OSC may request the Assistant Chief Executive to include an item relevant to the functions of the Committee on the agenda of the next available meeting. Please see Appendix 1 to this report for full details.

10.2 Protocol for transacting such business at OSC:

- “Presentation” by requesting Member to the Committee - Time allowed 10 minutes. Member to outline why he/she thinks the OSC should initiate a review of the matter and set out his/her alternative course of action.
- OSC members then to be given the opportunity to ask questions of clarification and receive answers from requesting Member.
- Corporate Director response to be asked to address the points raised by the requesting Member (brief written response to be tabled providing sufficient information for the Committee to take a view) and any remaining points raised by the OSC members in the Question and Answer session.
- Cabinet Member (who may be present) may be given an opportunity, by the Chair, to make a contribution on specific points if he/she so wishes but this not to be a generalised right of reply or a lengthy matter.
- OSC members to discuss and reach a determination. The Chair to summarise the deliberations and move a motion for consideration/ agreement of the Committee.

Deliberations

- The Committee are required to decide whether or not further scrutiny of the matter in question is appropriate.
- The OSC must be satisfied that the matter is relevant to its work programme, and if it is not the request for consideration must be refused. If the request is determined to be relevant to the work programme the Committee should identify the item in the work programme to which it relates.
- If the committee decide that further scrutiny is required it should indicate how the matter should be dealt within the context of the work programme item ie specify what form the further scrutiny should take. Perhaps requesting a detailed report from officers and their attendance at the next OSC meeting to address the issues, or perhaps a scrutiny review.
- Should the Committee decide to undertake a scrutiny review:
 - The broad terms the terms of reference of the Scrutiny Working Group should be stated.
 - A date should be set for submission of a report upon the Working Group’s findings to the Committee.
 - It should be established upon a representational basis as per paragraph 4.5.4 above.

10.3 Scrutiny Review Groups

Once appointed it is the responsibility of a Scrutiny Working Group:

- To scope the review and establish a timetable to meet the Committee’s reporting requirement
- To convene one or more meetings to scrutinise/review the issues under consideration

- To prepare a report with such recommendations as the Working Group considers appropriate for submission to the Committee.

11. Items referred to OSC by councillors under the provisions of the Overview and Scrutiny Procedure Rule 9.3

- 11.1 Any member of the Council may refer a local government matter to the OSC for examination under the Councillor Call for Action (CCfA) provisions introduced by Section 119 of the Local Government and Public Involvement in Health Act 2007 that came into force on 1st April 2009.

12. Health Scrutiny

- 12.1 The Health Scrutiny Panel is a sub-committee of the OSC which meets on a quarterly basis with terms of reference and membership as set out in the Constitution (Article 6 and Part 4 – “Rules of Procedure”, Section 4.5 – “Overview and Scrutiny Procedure Rules”. As well as its statutory obligations, the Panel will also consider a work programme agreed by the OSC. The Scrutiny Lead for “Adult Health and Wellbeing” chairs the Health Scrutiny Panel must regularly report to OSC on the work of the Panel.

13. Protocol for the Conduct of Business

- 13.1 Given the Terms of Reference of the Committee, the nature of business that it will consider will vary depending upon the role it is undertaking. It can also be assumed that in addition to Committee Members, a variety of persons, in differing capacities are likely to attend meetings of the Committee. These would include:

- Church/Faith or Parent Governor representatives
- the Mayor and Cabinet Members
- non-executive members
- members of the Health Scrutiny Panel
- chief officers or their representatives
- external witnesses invited by the Committee to give evidence and advice
- members of the public

- 13.2 In order to facilitate the smooth conduct of business it will be necessary for all concerned to have an understanding of when and how it is appropriate for them to participate in meetings of the Committee. It is therefore suggested in accordance with the provisions of the Council’s Constitution, the Committee continues to use the protocol previously adopted for the conduct of business as detailed below:

- (i) Voting Members to occupy specified seats (nearest to the Chair and Vice-Chair and Lead Officer.)
- (ii) “Call In” Members to occupy specified seats.
- (iii) Cabinet Member(s) to occupy specified seats.
- (iv) Subject to any variance agreed by the Committee, items of business to be dealt within the order that they appear on the agenda.
- (v) The agenda be structured so that business is considered in the order set out in Appendix 1 to this report.

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Agenda Item 6.2

Committee Overview and Scrutiny Committee	Date 8 July 2014	Classification Unrestricted	Report No.
Report of: Service Head Democratic Services Originating Officer(s): Antonella Burgio, Committee Officer, Democratic Services	Title Appointment of Scrutiny Lead Members, Co-options to Overview and Scrutiny Committee, Health Scrutiny Panel Terms of Reference and Appointments Ward(s) affected: All		

1. Summary

1.1 This report informs Overview & Scrutiny Committee (OSC) of:

- the Scrutiny Lead portfolios based on the Council's Directorates.
- the requirement to appoint co-opted members to OSC in accordance with legislation.
- the establishment, by full Council, of the Health Scrutiny Panel, to discharge the Council's functions under the National Health Service Act 2006, with terms of reference and quorum as set out in the Council's Constitution.

1.2 This report also requests OSC to consider the following appointments:

- § Lead Scrutiny Members for those portfolios, in accordance with the Council's Constitution.
- § co-opted representatives in respect of education matters in accordance with statutory requirements and the Council's Constitution.
- § Health Scrutiny Panel Members for the Municipal Year 2014/15, the exact membership of which remains a matter for its determination (provided it is congruent with proportionality requirements and other specific constitutional provisions).
- § Two co-opted representatives to the Health Scrutiny Panel from the Tower Hamlets HealthWatch in accordance with constitutional provisions.

2. Recommendations

The OSC is recommended to:

- 2.1 Determine whether it wishes to continue to operate Lead Portfolios in the forthcoming term and appoint Lead Scrutiny Members for the Scrutiny Lead portfolios as set out at Section 3 of this report.
- 2.2 Note the co-option to the membership of the OSC of representatives in respect of education matters, as set out at paragraphs 4.1 to 4.7 of this report;
- 2.3 Note the establishment of the Health Scrutiny Panel by full Council, to discharge the Council's functions under the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 as set out in paragraph 5.1 of this report; with terms of reference and quorum as set out in paragraph 5.2 and Appendix 1 to this report;
- 2.4 Appoint members to the Health Scrutiny Panel for the Municipal Year 2014/15 as set out at paragraph 5.3 of this report; and
- 2.5 Agree the co-option of representatives from the Tower Hamlets HealthWatch to the membership of the Health Scrutiny Panel for the Municipal Year 2014/15, as set out at paragraph 5.4 of this report.

3. Scrutiny Lead Portfolios

- 3.1 The OSC is requested to note that the Scrutiny Lead portfolios were aligned to the Authority's directorates for the Municipal Years 2011/12 to 2013/14 and consider whether it wishes to continue this arrangement in the forthcoming administration.
- 3.2 The OSC is requested to consider the appointment of Lead Scrutiny Members for the portfolios set out below:
 - **Children's Services**
 - **Adult Health and Wellbeing**
 - **Communities, Localities and Culture**
 - **Development and Renewal**
 - **Law Probity and Governance**
 - **Resources**

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

- 4.1 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.

- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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 two Parent Governor representatives. The Constitution also provides for the committee to have a non-voting Muslim faith representative, although this is not a statutory requirement.
- 4.6 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 in a non-voting capacity. “

Rule 4.3 states that “These members may speak but not vote on any other (i.e. non educational) matters. “

4.7 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	Term of Office	Co-Optee
Church of England Diocese representative	Co-opted from January 2013 for 4 years and to be reviewed in 2014	Dr Phillip Rice
Roman Catholic Diocese representative		A nomination is awaited
Parent Governor representative		A nomination is awaited
Parent Governor representative	Co-opted from September 2012 for 2 years	Nozrul Mustafa
Parent Governor representative	Co-opted from September 2012 for 2 years	Reverend James Olanipekun
Muslim Community Representative (non-voting)	To be approved by Council 30 July 2014 for 4 years (term to end May 2018)	Shaynul Khan

5. Health Scrutiny Panel (HSP)

5.1 Establishment

5.1.1 The Constitution states that the Annual Council Meeting will establish “such other committees/panels as it considers appropriate to deal with matters which are neither Executive Functions nor reserved to the Council”.

5.1.2 The Council’s Constitution refers to the establishment of “a standing Sub-Committee to discharge the Council’s functions under the Health and Social Care Act 2001 to be known as the Health Scrutiny Panel”. The reference to the Health and Social Care Act 2001 is out of date and this should be taken as a reference to the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

5.1.3 At the Annual General Meeting of the Council, held on 22 May 2013 the Health Scrutiny Panel was established for the Municipal Year 2013/14 with a membership numbering 7, and an allocation of places in accordance with overall proportionality requirements as follows: 4 Majority Group Members (Labour), 1 Minority Group Member (Conservative) and 2 Minority Group Members (Independent). The OSC is therefore requested to note the establishment of the Health Scrutiny Panel, its total membership and the allocation of places between the political groups.

5.2 HSP Terms of Reference and Quorum

5.2.1 The Health Scrutiny Panel 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.

5.2.2 The quorum will be 3 voting members.

5.3 Appointment of Members to Health Scrutiny Panel

5.3.1 As indicated in para 5.1.3 above the total membership for the Health Scrutiny Panel and the allocation of these places between the political groups has been determined by the full Council.

5.3.2 However the exact membership of the Health Scrutiny Panel remains a matter for the determination of the OSC (provided it is congruent with proportionality requirements and other specific constitutional provisions). The OSC should note that the Scrutiny Lead Member: Adult Health and Wellbeing should have been determined by it, following a motion from the Chair, at recommendation 2.1 above and this Member must be appointed as a member and Chair of the Health Scrutiny Panel.

5.3.3 Accordingly the OSC is requested to consider making appointments to the Health Scrutiny Panel for the Municipal Year 2013/14.

5.4 Co-option of Representatives to the Health Scrutiny Panel

5.4.1 The Overview and Scrutiny Procedure Rules state that:
"The Overview and Scrutiny Committee will be responsible for approving co-opted Members for the Scrutiny Panels. Co-opted Members will be non-voting."

5.4.2 In the Municipal Year 2012/13 two representatives previously recruited from the Tower Hamlets Local Involvement Network served as co-opted members of the

Health Scrutiny Panel. It is recommended that these representatives be co-opted to the membership of the Health Scrutiny Panel in 2013/14.

- 5.4.3 Accordingly the OSC is requested to agree the co-option of representatives from Healthwatch Tower Hamlets (formerly Tower Hamlets Involvement Network) to the membership of the Health Scrutiny Panel for the Municipal Year 2013/14, as set out below:

Mr David Burbidge
Mr Sharmin Shajahan

6. Comments of the Chief Financial Officer

- 6.1 This report describes the OSC request to consider the appointment of Lead Scrutiny Members, in accordance with the Council's Constitution (as amended).
- 6.2 Also, OSC are requested to agree the following: co-option of representatives in respect of education matters in accordance with statutory requirements and the Council's Constitution; the creation of a Health Scrutiny Panel; co-option of 2 representatives from the Tower Hamlets HealthWatch.
- 6.3 There are no specific financial implications emanating from this report but in the event that the Council agrees further action in response to this report's recommendations then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

7. Legal Comments

- 7.1 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 Panel. 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.

8. One Tower Hamlets Considerations

- 8.1 The establishment of the Health Scrutiny Panel may contribute to the reduction of health inequalities that exist in the borough.

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 Panel 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 There are no specific Crime and Disorder Reduction implications arising from the recommendations in the report.

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF
THIS REPORT**

Brief description of "background paper"

If not supplied Name and telephone number of holder

n/a

n/a

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