

Committee <b>Overview and Scrutiny</b>	Date <b>8 June 2010</b>	Classification <b>Unrestricted</b>	Report No.	Agenda Item No.
Report of: <b>Service Head Democratic Services</b>  Originating Officer(s): <b>Angus Taylor, Team Leader Democratic Services</b>		Title <b>Appointment of Scrutiny Lead Members, Co-options to Overview and Scrutiny Committee, Health Scrutiny Panel Terms of Reference and Appointments</b>  Ward(s) affected: <b>All</b>		

## 1. Summary

- 1.1 This report requests the Overview & Scrutiny Committee (OSC) to note the Scrutiny Lead portfolios based on the Community Plan Themes and consider the appointment of Lead Scrutiny Members for those portfolios, in accordance with the Council's Constitution (as amended).
- 1.2 The OSC is also requested to agree the co-option of representatives in respect of education matters in accordance with statutory requirements and the Council's Constitution (as amended).
- 1.3 This report informs the OSC of the establishment, by full Council, of the Health Scrutiny Panel, to discharge the Council's functions under the Health and Social Care Act 2001, with terms of reference and quorum as set out in the Council's Constitution (as amended) and detailed/ appended to this report.
- 1.4 The OSC is also requested to consider making appointments to the Health Scrutiny Panel for the Municipal Year 2010/2011, the exact membership of which remains a matter for its determination (provided it is congruent with proportionality requirements and other specific constitutional provisions).
- 1.5 The OSC is further requested to agree the co-option of 2 representatives from the Tower Hamlets Local Involvement Network in accordance with constitutional provisions.

## 2. Recommendations

That the Overview & Scrutiny Committee:

- 2.1 Note the six Scrutiny Lead portfolios based on the Community Plan Themes as set out at paragraph 3.1 of this report;
- 2.2 Appoint Lead Scrutiny Members for the Scrutiny Lead portfolios;
- 2.2 Agree the co-option of representatives in respect of education matters, as set out at paragraphs 4.1 to 4.8 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 Authorities (Overview and Scrutiny Committees Health Scrutiny Functions Regulations) 2002, 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 2010/2011 as set out at paragraph 5.3 of this report; and
- 2.5 Agree the co-option of representatives from the Tower Hamlets Local Involvement Network to the membership of the Health Scrutiny Panel for the Municipal Year 2010/2011, as set out at paragraph 5.4 of this report.

### **3. Scrutiny Lead Portfolios**

- 3.1 The Constitution as amended (Part 2 – “Articles of the Constitution”, Article 6 “Overview and Scrutiny Committee and Scrutiny Panels”, Section 6.04 “Allocation of Responsibilities”) states that “The Overview and Scrutiny Committee will select from among its Councillor Members six Lead Scrutiny Members, one for each of the following themes:
- A safe and supportive community
  - A great place to live
  - A prosperous community
  - A healthy community
  - Excellent public services
  - One Tower Hamlets
- 3.2 Accordingly the Overview and Scrutiny Committee is requested to consider the appointment of Lead Scrutiny Members for the portfolios set out above.

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

- 4.1 Section 21(10) 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 1 to the LGA 2000 also has effect in relation to the Council's executive arrangements. Paragraph 7 of Schedule 1 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 1 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 9(4) of Schedule 1 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 in pursuit of these powers. 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:
- 4.1.1 One Church of England diocese representative;
  - 4.1.2 One Roman Catholic diocese representative; and
  - 4.1.3 Two 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 Accordingly the Overview & Scrutiny Committee is requested to agree the co-option of nominated representatives in respect of education matters as set out in the table below.

Church of England Diocese representative	Reverend Michael Ainsworth
Roman Catholic Diocese representative	A nomination is awaited
Parent Governor representative	A nomination is awaited
Parent Governor representative	A nomination is awaited
Muslim Community Representative	Mr Mushfique Uddin (provisional nomination)

4.8 Source of nominations:

- The Church of England nomination was received from Friar Alan Green, Area Dean of Tower Hamlets, on 27 April 2010.
- The Roman Catholic Church nomination is still being sought from Mr Paul Barber, Diocesan Schools Commissioner, in conjunction with Friar Peter Harris, Dean of Tower Hamlets.
- The Parent Governor representative nominations are to be chosen by way of a ballot of all Parent Governors in Tower Hamlets, undertaken by Governor Services in liaison with the Scrutiny and Equalities Section. The outcome of this process to be reported to the Committee at its first meeting.
- The Muslim Community Representative, Mr Mushfique Uddin (Assistant Secretary General of the Council of Mosques, Tower Hamlets) is a provisional nomination by the Chair of the Executive Committee of the Council of Mosques, pending formal consideration of a full nomination at the meeting of Executive Committee of the Council of Mosques Tower Hamlets to be held in June 2010.

## 5. Health Scrutiny Panel

### 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 Authorities (Overview and Scrutiny Committees Health Scrutiny Functions Regulations) 2002.

5.1.3 At the Annual General Meeting of the Council, held on 26 May 2010 the full Council considered a report that set out the membership of the Council following the elections held on 6 May 2010 and reviewed proportionality as required by section 15 of the Local Government & Housing Act 1989. Full Council subsequently agreed the establishment of various committees and panels for the Municipal Year 2010/2011 as set out in the constitution (including the Health Scrutiny Panel) and proposed the allocation of places on those committees and panels between the political groups on the Council.

5.1.4 Accordingly the Health Scrutiny Panel was established for the Municipal Year 2010/2011 with a membership numbering 7, and an allocation of places in accordance with overall proportionality requirements as follows: 6 Majority Group Members (Labour) and 1 Minority Group Member (Conservative). 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 Terms of Reference and Quorum**

5.2.1 The **Terms of Reference** for the Health Scrutiny Panel are set out in Article 6 of the Council's Constitution. These are supplemented by the Overview and Scrutiny Committee Procedure Rules, which are contained in Part 4 of the Constitution. The Terms of Reference are set out at Appendix 1 to this report for ease of reference.

5.2.2 The Council Procedure Rules, set out in the Constitution, apply to meetings of all Committees and Sub-Committees. Rule 8 "**Quorum**" states that

"Subject to any specific statutory requirement, and to any specific quorum requirements set out in the terms of reference of a particular body, the quorum of a meeting will be one quarter of the whole number of Members or three voting Members, whichever is the greater. If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will stand adjourned. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting."

5.2.3 The OSC is requested to note the terms of reference and quorum of the Health Scrutiny Panel as set out in paragraph 5.2.2 above and Appendix 1 to this report.

## **5.3 Appointment of Members to Health Scrutiny Panel**

5.3.1. The Overview and Scrutiny Procedure Rules state the following:

- Rule 1.1 "The Council will appoint Members of the Overview and Scrutiny Committee and the Overview and Scrutiny Committee will appoint Members of the Sub-Committees or Scrutiny Panels. "

- Rule 1.3(a) The terms of reference of the OSC include: “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)...”

Paragraph 2 “Who May Sit on Overview and Scrutiny” states the following:

- Rule 2.3 “The Lead Scrutiny Member for a Healthy Community shall be appointed as a member and Chair of the Health Scrutiny Panel.”

5.3.3 As indicated in paragraph 5.1.4 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, at the Annual General Meeting held on 26<sup>th</sup> May 2010.

5.3.4 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: A Healthy Community 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.

5.3.5 Accordingly the OSC is requested to consider making appointments to the Health Scrutiny Panel for the Municipal Year 2010/2011.

#### **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 Two representatives from the Tower Hamlets Local Involvement Network were recruited and served as co-opted members of the Health Scrutiny Panel in the Municipal Year 2009/10. It is recommended that these representatives be co-opted to the membership of the Health Scrutiny Panel in 2010/2011.

5.4.3 Accordingly the OSC is requested to agree the co-option of representatives from the Tower Hamlets Local Involvement Network to the membership of the Health Scrutiny Panel for the Municipal Year 2010/2011, as set out below:

Myra Garrett  
Amjad Rahi

#### **6. Comments of the Chief Financial Officer**

6.1 This report describes the Overview & Scrutiny Committee (OSC) request to note the Scrutiny Lead portfolios based on the Community Plan Themes and consider the appointment of Lead Scrutiny Members for those portfolios, in accordance with the Council’s Constitution (as amended).

6.2 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. Concurrent report of the Assistant Chief Executive (Legal)**

- 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. In accordance with section 102(3) of the Local Government Act 1972 independent members may be appointed to committees and sub-committees.

## **8. One Tower Hamlets Considerations**

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

## **9. Sustainable Action for a Greener Environment**

9.1 There are no specific SAGE implications arising from the recommendations in the report.

## **10. Risk Management Implications**

10.1 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 section 102(3) of the Local Government Act 1972 and also section 21 of the Local Government Act 2000 and the Health and Social Care Act 2001.

## **11. Crime and Disorder Reduction Implications**

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

## **12. Appendices**

Appendix 1 - Health Scrutiny Panel Terms of Reference

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### **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