

Committee Overview and Scrutiny	Date 7 September 2010	Classification Unrestricted	Report No.	Agenda Item No. 9.1
Report of: Acting Service Head Scrutiny and Equalities Originating Officer(s): Mohammed Ahad, Scrutiny Policy Officer		Title Appointment of Co-opted Members Ward(s) affected: All		

1. Summary

- 1.1 This report requests the Overview & Scrutiny Committee (OSC) to note and agree the co-option of representatives in respect of education matters in accordance with statutory requirements and the Council's Constitution (as amended).

2. Recommendations

That the Overview & Scrutiny Committee:

- 2.2 Agree the co-option of representatives in respect of education matters, as set out at paragraphs 3.1 to 3.8 of this report

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

- 3.1 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.
- 3.2 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.
- 3.3 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 nominated by the bishop of any Roman Catholic diocese which falls wholly or partly in Tower Hamlets.
- 3.4 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.
- 3.5 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.
- 3.6 At its meeting on 14th July 2010 full Council agreed to increase the number of Parent Governors co-opted onto the Overview and Scrutiny Committee from 2 to 3.
- 3.7 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 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. “

- 3.8 Elections were undertaken by Governor Services in liaison with the Scrutiny and Equalities Section. Governor Services received 7 nominations and hence an election took place. 350 ballot papers were sent out to Parent Governors with 81 responses. The two successful candidates detailed below were elected onto the Overview and Scrutiny Committee

Parent Governor representative	Rev James Olanipekun
Parent Governor representative	Jake Kemp

4. Comments of the Chief Financial Officer

- 4.1 This report describes the co-option of representatives in respect of education matters in accordance with statutory requirements and the Council’s Constitution (as amended).
- 4.2 This report does not have any immediate financial implications.

5. Concurrent report of the Assistant Chief Executive (Legal)

- 5.1 The legal position is set out in the body of this report at paragraph 3. Co-option of Education Representatives to Overview and Scrutiny Committees is strictly regulated including dealing with who may have voting rights by the Local Government Act 2000 and the Parent Governor Representatives (England) Regulations 2001 . The proposals in this report comply with those requirements

6. One Tower Hamlets Considerations

The co-option of the two Parent Governors allows the Overview and Scrutiny Committee to seek greater first hand knowledge and experience of possible inequalities in education. Furthermore it also enhances the community leadership of local residents.

7. Sustainable Action for a Greener Environment

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

10. Risk Management Implications

10.1 Co option of representatives in respect of education matters 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.

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

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

