

Committee <b>Overview and Scrutiny Committee</b>	Date <b>8 July 2014</b>	Classification <b>Unrestricted</b>	Report No.
Report of: <b>Service Head Democratic Services</b>  Originating Officer(s): Antonella Burgio, Committee Officer, Democratic Services		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 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.

<b>Role</b>	<b>Term of Office</b>	<b>Co-Optee</b>
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.

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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**

**n/a**