

Committee Overview and Scrutiny	Date 30 September 2014	Classification Unrestricted	Report No.	Agenda Item No.
Report of: Service Head Democratic Services		Title Co-option of Roman Catholic Church Representative to Overview and Scrutiny Committee		
Originating Officer(s): Angus Taylor, Principal Committee Officer, Democratic Services		Ward(s) affected: All		

Reasons for Urgency

The nomination of a Roman Catholic Church Representative to the membership of the OSC was received after the agenda for the 30 September OSC meeting was finalised for publication, and a report just drafted to comply with good practice in committee administration.

The agreement of this co-option will provide for fuller representation from faith communities in Tower Hamlets in respect of education matters considered by the OSC and ensure the OSC and LBTH meet their statutory and constitutional obligations as far as is possible.

The co-option will enable this nominated representative, in relation to education matters considered by the OSC, to take part and vote during the meeting, the agenda for which includes an item relating to the school curriculum.

1. Summary

1.1 This report informs the Overview & Scrutiny Committee (OSC) of the nomination to its membership of a Roman Catholic Church Representative; and also requests the OSC to agree the co-option of the nominated representative in respect of education matters in accordance with statutory requirements and the Council's Constitution (as amended).

2. Recommendations

The OSC is recommended to:

2.1 Agree the co-option to the membership of the OSC of a Roman Catholic Church representative in respect of education matters, as set out at paragraphs 3.1 to 3.7 of this report.

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

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 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 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. “

3.7 the OSC is requested to agree the co-option of nominated representatives in respect of education matters as set out in the table below.

Roman Catholic Diocese representative	Ms Victoria Ekubia
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4. Comments of the Chief Financial Officer

4.1 This report describes the OSC request to consider the appointment of Lead Scrutiny Members, in accordance with the Council’s Constitution (as amended).

4.2 There are no specific financial implications emanating from the recommendation.

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

5.1 Most of the relevant statutory and constitutional provisions are set out in the body of the report. Section 102(3) of the Local Government Act 1972 confirms that committees such as the OSC may include persons who are not members of the authority.

6. One Tower Hamlets Considerations

The agreement of this co-option to the membership of the OSC will provide for fuller representation from faith communities in Tower Hamlets in respect of education matters.

7. Sustainable Action for a Greener Environment

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

8. Risk Management Implications

8.1 The Co option of representatives in respect of education matters is necessary for the OSC 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.

9. Crime and Disorder Reduction Implications

9.1 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