

<p>Non-Executive Report of the:</p> <p>Overview and Scrutiny Committee</p> <p>22 May 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Director Legal and Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Establishment of Scrutiny Lead Members, Sub-Committees and Appointment of Members 2023/24</p>	

Originating Officer(s)	Joel West, Democratic Services Team Leader (Committee)
Wards affected	All wards

Reasons for Urgency

The committee was re-established at the annual council meeting 17 May 2023 and therefore it was not feasible to conclude key aspects of this report before now. It is important agree the actions within this report to ensure that scrutiny activity starts without delay.

Executive Summary

This report requests the Overview and Scrutiny Committee (OSC) to agree a series of provisions relating to the coming municipal year, including:

- agreeing Scrutiny Lead Member portfolios and appointing OSC members to those roles.
- establishing scrutiny sub committees, approving their terms of reference, and appointing their members.
- appointing co-opted members of sub committees;
- nominating members to the Inner North East London Joint Health And Overview Scrutiny Committee; and
- noting dates of OSC and Sub-Committee meetings in 2023/24.

Recommendations:

The Committee is recommended to:

1. Note its terms of reference as set out in Appendix 1
2. Approve the creation of five Lead Scrutiny Member roles as set out in paragraph 3.2 and their portfolios as set out in Appendix 2.
3. Appoint nominated members to the Lead Scrutiny Member roles as set out in Appendix 3
4. Approve the establishment of three scrutiny sub committees as set out in paragraph 3.4 and their terms of reference as set out in Appendix 4.
5. Approve the membership of the three scrutiny sub committees in accordance with the nominations set out in Appendix 5.

6. Nominate 3 non-executive Councillors to the Inner North East London (INEL) Joint Health And Overview Scrutiny Committee (JHOSC) in accordance with the political proportionality requirements set out at paragraph 3.15.
7. Note the OSC Procedure Rules as set out in Appendix 6.
8. Note the approved calendar of meetings of the OSC and scrutiny sub committees (Appendix 7).
9. Note the co-option requirements for education in accordance with legislation, as set out at Paragraphs 3.8 – 3.12 of this report and the wider co-option arrangements for scrutiny at Tower Hamlets, as set out in paragraph 3.13.
10. Note the appointment of co-optees to scrutiny bodies as set out in paragraph 3.14

1. REASONS FOR THE DECISIONS

- 1.1 The Overview and Scrutiny Committee is required, at its first meeting of the municipal year, to confirm its arrangements for Lead Scrutiny Members and Sub-Committees.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee could determine different arrangements for carrying out the Scrutiny of the Council's executive decision making functions providing that all statutory requirements were met.

3. DETAILS OF THE REPORT

Terms of Reference

- 3.1 The Committee's terms of reference are agreed by the full council. The Committee is asked to note its terms of reference, which are included at Appendix 1.

Scrutiny lead member portfolios and nominations

- 3.2 The OSC has traditionally appointed Scrutiny Lead Members against portfolios. It is therefore suggested that for the 2023/24 Municipal Year, the OSC appoint Scrutiny Leads as set out below. More details of the proposed lead member portfolios is included in Appendix 2.
 - Scrutiny Lead for Adults and Health Services (including Chairing the Health Scrutiny Sub-Committee).
 - Scrutiny Lead for Children & Education (including Chairing the Children & Education Scrutiny Sub-Committee).
 - Scrutiny Lead for Housing and Regeneration (including Chairing the Housing Scrutiny Sub-Committee).
 - Scrutiny Lead for Resources; and
 - Scrutiny Lead for Community Safety

- 3.3 Nominations have been received for OSC members for each of the above roles. The Committee is asked to agree the nominees for Scrutiny **Lead Members** as provided in Appendix 3.

Establishment of Scrutiny Sub Committees

- 3.4 The Constitution provides that the Overview and Scrutiny Committee may establish such Sub-Committee as it considers appropriate. The Committee has previously established three scrutiny sub committees to investigate, scrutinise, monitor, and advise in relation to the following policy areas:
- Children & Education.
 - Adults and Health Services; and
 - Housing and Regeneration.
- 3.5 It is proposed that the above scrutiny sub committees are re-established for 2023/24 and their terms of reference be as proposed in Appendix 4. The Committee is asked to note that minor amendments are proposed to the terms of reference to clarify the roles and recruitment process for co-opted members in accordance with current and past practice.

Nominations to sub committees

- 3.6 Nominations have been invited from the Council's political groups for each of the three scrutiny sub committees. In accordance with the Overview and Scrutiny Procedure Rules, members of scrutiny sub committees can be drawn from all members of the Council, except members of the executive (i.e. Mayor and Cabinet). The proposed nominations fulfil political balance requirements. The Committee is asked to agree the nominees for Scrutiny **sub committees** provided in Appendix 5.
- 3.7 In accordance with the Overview and Scrutiny Procedure Rules, the sub committees will be chaired by the relevant Lead Scrutiny Member and will appoint a vice chair at their first meeting.

Co-option of Representatives to Scrutiny

- 3.8 Section 9FA (4) of the Local Government Act 2000 provides that a committee of a local Council may include persons who are not members of the Council. This provision empowers, rather than obliges (excepting the requirement below), local authorities to have co-opted members on their overview and scrutiny committees.
- 3.9 However Schedule A1 to the Local Government Act 2000 also has effect in relation to the Council's executive arrangements. Paragraph 7 of Schedule A1 makes provision for the relevant committee to have church representatives as follows:

- 3.10 The Council must have a Church of England co-opted member on an overview and scrutiny committee if that committee's functions relate wholly or partly to education functions, and if the Council maintains one or more Church of England Schools (which is the case in Tower Hamlets). 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.
- 3.11 Similarly, the Council must have a Roman Catholic representative on that 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 (which is the case 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.
- 3.12 Paragraph 8 of Schedule A1 to the Local Government Act 2000 sets out the 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 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. The Council's scrutiny rules state there shall be 3 parent governor representatives.
- 3.13 Further to the statutory provisions as set out above, the Committee has also agreed to the following non-statutory co-optee roles:
- OSC has two co-opted resident representative members,
 - Housing and Regeneration scrutiny sub-committee has two co-opted members: a leaseholder representative and a tenant representative.
 - Health and Adults scrutiny sub-committee has two co-opted members – a resident representative and a representative nominated from Healthwatch Tower Hamlets).
 - Children and Education Sub Committee includes, in addition to the statutory education representatives above, a representative from the Muslim community.
- 3.14 Following nominations from relevant partner organisations, the following persons have been nominated for co-optee positions in 2022-26. The Committee is asked to note that the persons below were appointed to the positions indicated for the 2022-26 term.

Body	Role	Co-Optee
Children and Education Sub	Church of England Diocese representative	Dr Philip Rice
Children and Education Sub	Roman Catholic Diocese representative	Joanna Hannan
Children and Education Sub	Parent Governor representative	Abena Adeji
Children and Education Sub	Parent Governor representative	Ashraf Zaman
Children and Education Sub	Parent Governor representative	Nafisa Ahmed
Children and Education Sub	Muslim Community Representative (non-voting)	Shiblu Miah
Housing and Regeneration sub	Leaseholder representative	Susanna Kow
Housing and Regeneration sub	Tenant representative	Mahbub Anam
Health and Adults sub	Resident representative	Assan Ali
Health and Adults sub	Healthwatch Tower Hamlets	Nicola Lawrence
OSC	Resident representative	Halima Islam
OSC	Resident representative	Jahid Ahmed

Inner North East London (INEL) Joint Health And Overview Scrutiny Committee (JHOSC)

3.15 The Committee's terms of reference (Appendix 1) gives it power to establish and make appointments to any joint overview and scrutiny committee. The Council is a member of the Inner North East London (INEL) Joint Health And Overview Scrutiny Committee (JHOSC). Accordingly the Committee is asked to nominate 3 non-executive members to the INELJHOSC in accordance with its terms of reference, for 2023/24.

The membership shall be made up of three members from each of the larger participating local authorities and one from the City of London Corporation; making a total of 13 members, with each council's membership being politically proportionate and with non-executive councillors making up the membership.

3.16 A politically proportionate nomination would consist of 2 Aspire Group and 1 Labour Group Councillors/

OSC Procedure Rules

3.17 The procedure rules assist the Committee to carry out its Constitutional and statutory obligations and form part of the Constitution. The Committee is asked to note its procedure rules attached as Appendix 6 to this report.

Dates of OSC and Sub-Committee meetings in 2023/24

3.18 The Council's calendar of meetings for 2023/24 was approved at the Annual Council Meeting on 25 May 2022. The calendar of meetings includes the dates of OSC and scrutiny subcommittee meetings. The Committee is asked to note the approved dates of OSC and subcommittee meetings 2023/24 at **Appendix 7**.

4. EQUALITIES IMPLICATIONS

4.1 The establishment of proper scrutiny arrangements helps ensure effective decision making by the authority which supports the Council's equalities aspirations. The appointments of co-opted members on scrutiny committees will also increase diversity on scrutiny work.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 No other statutory implications have been identified.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

7.1 The legal implications are inserted in the body of the report at paragraphs 3.8 to 3.12.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – Terms of Reference of OSC

- Appendix 2 – Nominations for scrutiny lead roles (to follow)
- Appendix 3 – Scrutiny lead member portfolios
- Appendix 4 – Terms of Reference of sub committees
- Appendix 5 – Nominations to sub committees (to follow)
- Appendix 6 – OSC Procedure Rules
- Appendix 7 – Dates of meetings 2023/24

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

Thomas French, Democratic Services Officer (Committee)