

## AGENDA ITEM

### REPORT TO EXECUTIVE SCRUTINY COMMITTEE

18 SEPTEMBER 2018

### REPORT OF THE DEPUTY CHIEF EXECUTIVE

## CO-OPTED MEMBERS

### SUMMARY

The report outlines the requirements for and role of co-opted members.

### RECOMMENDATION

That the report be noted.

### DETAIL

1. The appointment of statutory education co-optees predates the executive/ scrutiny split introduced by the Local Government Act 2000 which required Councils operating Executive Arrangements to have a scrutiny function. Subsection 4 of Section 499 of the Education Act 1996 covers the appointment of diocesan representatives and subsection 6 covers the appointment of parent governor representatives. The Local Government Act 2000 contained provisions regarding entitlement to attend and vote at OSCs when considering education matters. Subsequent regulations required LEAs to appoint at least two and not more than 5 parent governor representatives to each of their education OSCs.
2. The Council's Constitution reflects the statutory provisions and relevant extracts are attached at **Appendix 1**.

### FINANCIAL AND LEGAL IMPLICATIONS

3. A constitutional change cannot remove a statutory requirement.
4. On 21 June 2018, Cabinet approved a recommendation to Council from the Independent Remuneration Panel to remove the remuneration of Diocesan and Parent Governor representatives from May 2019 but retain the payment of travel and subsistence allowances within the Members' Allowances scheme.

### RISK ASSESSMENT

5. There is a need to meet legislative requirements.

#### Deputy Chief Executive

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Background Papers:

None

Ward(s) and Ward Councillors:

Not Ward Specific

Property Implications:

None

**Extracts from Part 4 of the Constitution**

**Executive Scrutiny and Select Committee Procedure Rules**

**3. Co-optees**

The Executive Scrutiny and Select Committees shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees either as set out in Table 1 at the end of this procedure rule or otherwise.

**4. Education representatives**

The Executive Scrutiny Committee, the Children and Young People Select Committee, and the People Select Committee, (when any of these bodies are dealing with education matters) shall include in their membership the following voting representatives:

- (a) 1 Church of England diocese representative
- (b) 1 Roman Catholic diocese representative
- (c) 2 Parent Governor representatives (one or other of whom may be appointed to one or more such Executive Scrutiny and Select Committees)

A relevant committee in this paragraph is a scrutiny (or select) committee or committees of a Council, where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Cabinet. In this respect the education representatives will have the right to vote on any decisions which relate to schools maintained by the Council; and pupils who attend schools maintained by the Council, or who are educated by the Council in some other way. Education representatives will also be allowed to vote on matters which affect how funds which have already been earmarked for education are to be spent, such as votes on how much of the education budget is devoted to schools (compared to other forms of education provision such as adult education or the youth service); what proportion of the schools budget is retained centrally by the local education authority to provide services for schools and pupils, and what proportion is delegated to individual school budgets; what proportion of the schools budget retained centrally is devoted to each of the four main funding areas (school improvement, pupil access, special educational provision and strategic management) and how much is contributed to Government grants for other specific activities; the formula by which individual school budgets are calculated; and any other more specific financial matter. All of these matters constitute "education matters" for the purposes of the call-in procedure specified in Rule 16. Education representatives should not vote on any decision which determines the local education authority's total education revenue or capital budget; any matter which would require the Council to raise the Council Tax; any matter in which the representative has a personal and prejudicial interest, including a direct impact on the school at which the representative is or was a parent governor or where the representative's children are taught (for example, whether that school or another school should be given priority for the replacement of temporary classrooms). If a committee deals with other matters, the education representatives shall not vote on those other matters, though they may stay in the meeting and speak.

## **TABLE 1**

### **Terms of Reference for Executive Scrutiny and Select Committees and the Scrutiny Liaison Forum**

#### **1. Executive Scrutiny Committee Terms of Reference**

##### **Membership of Committee**

A Chair, plus the Chairs of the five thematic Select Committees together with such other Members as are necessary to achieve political balance.

Two diocesan representatives and two parent governor representatives will be entitled to attend as voting members of the Committee when it is dealing with education matters. The presence of such members on the Committee has no implications insofar as achieving political balance is concerned.

#### **5. Children and Young People Select Committee Terms of Reference**

##### **Membership**

All thematic Select Committees will be politically balanced, however committees can set up sub-groups which do not have to be balanced in order to focus on particular tasks.

Two diocesan representatives and two parent governor representatives will be entitled to attend as voting members of the Committee when it is dealing with education matters. The presence of such members on the Committee has no implications insofar as achieving political balance is concerned.

#### **7. People Select Committee Terms of Reference**

##### **Membership**

All thematic Select Committees will be politically balanced, however committees can set up sub-groups which do not have to be balanced in order to focus on particular tasks.

Two diocesan representatives and two parent governor representatives will be entitled to attend as voting members of the Committee when it is dealing with education matters. The presence of such members on the Committee has no implications insofar as achieving political balance is concerned.