

**Report for: Overview and Scrutiny
Committee**

Date of Meeting:	6 June 2023
Subject:	Call-In (Education) Sub Committee
Responsible Officer:	Jessica Farmer, Interim Director of Legal & Governance
Exempt:	No
Wards affected:	All Wards
Enclosures:	Appendix 1 – Proposed Membership List

Section 1 – Summary and Recommendation

This report sets out proposed changes to the Call-In (Education) Sub-Committee

Recommendation:

The Committee is requested to approve the membership of the Call-In (Education) Sub Committee to comprise of 13 Councillors (being 9 Conservative and 4 Labour Members) and the 4 voting Co-opted members, as set out in Appendix 1 to this report.

Section 2 – Report

1. The Council is required to appoint four voting co-opted members to the Scrutiny body that is responsible for education issues. This is currently the Call-in (Education) Sub-Committee. These co-opted members are entitled to vote on any matter that relates to an education function.

2. The Committee Procedure Rules provide that at meetings of the call-in sub-committee the four co-opted members have attendance, speaking and voting rights whenever the sub-committee is discussing “a matter relating to the Council’s education functions.”
3. The size of the sub-committee is currently 9 Councillors. Under the Local Government and Housing Act 1989, a political group with a majority of members on the Council is entitled to have a majority on all committees, sub-committees etc of the Council. At present when the Call-In (Education) Sub-Committee is considering education matters this is not the case, due to the voting rights of the co-opted members.
4. The only option available to address this and to ensure compliance with the regulations is to increase the size of the Education Call-in Sub-Committee to 17 (9 Conservative and 4 Labour Councillors) and 4 co-optees).

Legal Implications

1. The relevant seats for co-opted members on the subcommittee are those for people appointed under paragraph 7(1) and (3) of Schedule A1 to the 2000 Act:-

7(1) In the case of a relevant authority that maintains one or more Church of England schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.

...

(3) In the case of a relevant authority that maintains one or more Roman Catholic Church schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.

2. By s 9FA(6)(b) of the Local Government Act 2000, the political balance requirements of section 15 of the Local Government Housing Act 1989 apply to Overview and Scrutiny Committees. The relevant principle under s 15(5) is

(b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;

3. “Seat” is defined in Schedule 1 to the 1989 Act as follows

“seat”, in relation to a body to which section 15 of this Act applies, means such a position as a member of that body as—

(a) entitles the person holding the position to vote at meetings of the body on any question which falls to be decided at such a meeting; and

5. By paragraph 7(5) of Sched A1 to the 2000 Act:-

(5) A member of an overview and scrutiny committee or sub-committee appointed by virtue of sub-paragraph (1) or (3) is to be entitled to vote at a meeting of the committee or sub-committee on any question—

(a) which relates to any education functions which are the responsibility of the authority concerned's executive, and

(b) which falls to be decided at the meeting.

6. Since the sub-committee deals purely with education issues, it follows that the holders of these seats can vote on the entirety of the sub-committee's business. That in turn means that they can vote on "any question" before the sub-committee and therefore they have a "seat" for the purposes of the definition in Sched 1 to the LGHA. That in turn means that those seats count for the purposes of s 15(5) and the majority group have a right to a majority of seats including the ones filled by the people appointed under Sched A. - unless there is an exception elsewhere in the legislation.

15(6) reads as follows:-

(6) Where any relevant authority or committee of a relevant authority are required, in determining the allocation to different political groups of seats on a body to which this section applies, to give effect to the principles specified in subsection (5) above—

(a) any seats which, in accordance—

(i) with provision made by virtue of subsection (5) of section 13 above; or

(ii) with subsection (6) of section 14 above,

are to be or may be filled by the appointment of persons who are not members of the authority shall be taken into account for the purpose of determining how many seats constitute a majority of the seats on a body mentioned in either of those subsections;

Financial Implications

There are no financial implications associated with this decision.

Risk Management Implications

Risks included on corporate or directorate risk register? **No**

Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below.
N/A

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Call-In (Education) Sub-Committee meetings held without the correct proportionality and not adhering to the requirements of the Local Government and Housing Act 1989	<ul style="list-style-type: none">▪ Requesting the Overview and Scrutiny Committee to amend its membership list to ensure compliance with the legislation.	Green

Equalities implications / Public Sector Equality Duty

Was an Equality Impact Assessment carried out? No as the recommendation relates to ensuring compliance with existing legislation.

Council Priorities

A properly constituted Call-In (Education) Sub-Committee will allow it to consider executive decisions made in relation to education matters, which contribute towards a council that puts residents first and a place where those in need are supported

Section 3 - Statutory Officer Clearance

Statutory Officer: Sharon Daniels

Signed on *behalf of the Chief Financial Officer

Date: 25 May 2023

Statutory Officer: Jessica Farmer

Signed by the Monitoring Officer

Date: 26 May 2023

Mandatory Checks

Ward Councillors notified: N/A

Section 4 - Contact Details and Background Papers

Contact: Vishal Seegoolam, Democratic, Electoral & Registration Services Manager

Background Papers: None

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| 1. | Consultation | NO |
| 2. | Priorities | YES |

Appendix 1

Call-In Sub-Committee (Education) (17)

	Conservative (9)	Labour (4)
I. Members	June Baxter Govind Bharadia Nicola Blackman Matthew Goodwin-Freeman Chetna Halai Vipin Mithani Amir Moshenson (CH) Janet Mote Samir Sumaria	Dean Gilligan Jerry Miles Rekha Shah Sasi Suresh
II. Reserve Members	1. Philip Benjamin 2. Janet Mote 3. Kuha Kumaran 4. Salim Chowdhury 5. Vacancy	1. Dan Anderson 2. Rashmi Kalu 3. Eden Kulig 4. Antonio Weiss †5. Vacancy

Voting Co-opted Members:

- (1) Two Church representatives
- Reverend P Reece/Vacancy
- (2) Two representatives of Parent Governors
- Ms M Trivedi (Primary)/Vacancy (Secondary)

CH = Chair

† **[Note:** The appointed number of Reserves for each Group is in excess of the Committee Procedure Rule 3.2 provision, by virtue of Resolution 17: Overview and Scrutiny Committee (18.7.06).]