

## **Divisions Affected – all**

# **PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

**7 April 2022**

## **COOPTED MEMBERS OF THE PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

### **Report by Director of Law and Governance**

#### **RECOMMENDATION**

1. **The Committee is RECOMMENDED to:-**
  - 1.1 To make preparations for the co-option of statutory consultees on the People Overview and Scrutiny Committee;
  - 1.2 To consider the need for further representation on the People Overview and Scrutiny Committee;
  - 1.3 That where required the Constitution Working Group considers the Committee's request to broaden its co-option rights within the Council's Constitution.

#### **Context**

2. Drawing on the relevant legislation (Local Government Act 2000) the Council's Constitution makes provision for the co-option of statutory consultees on the relevant Education Committee. For the purposes of Oxfordshire County Council, that is the People Overview and Scrutiny Committee. This paper sets out the legislative position, issues for consideration and the practical steps.

#### **Legislative And Constitutional Position**

3. The Education Act 1996 made provision for statutory consultees to sit and vote on education matters. As Councils moved to executive arrangements under the Local Government Act 2000 (the Act), that requirement moved to the Scrutiny Committee that dealt with such matters. At Oxfordshire, that is the People Overview and Scrutiny Committee.
4. The Act, and translating that Act through the County Council's Constitution, provides for the following: -
  - (a) Two Parent Governor Representatives – from maintained primary and secondary schools;

- (b) one representative from the Church of England (appointed by the Oxford Diocesan Board of Education) and one jointly appointed Roman Catholic representative drawn from the areas covered by the Bishop of Portsmouth and the Archbishop of Birmingham.
5. The terms of reference for this Committee, within the Constitution, provides no room for additional non-statutory co-opted members (voting or non-voting) and the Committee should consider whether this satisfactory or otherwise.

## **Issues for Consideration**

6. Many Local Authorities have provided for non-statutory voting and non-voting Members of their relevant Education Committees. This is to incorporate additional perspective into the discussions at Committee and as part of work programming. Peterborough City Council have a co-opted member representing the Muslim Community and rural Parishes and at Trafford Council there is a Parent Governor Representative for Special Schools and Teaching Representatives.
7. Members may also wish to consider the appropriateness of working within the existing boundaries of the Constitution but requesting that the Christian representatives make reasonable efforts in which to reflect the religious educational diversity across the County. This would mirror the role of the Lords Spiritual in the House of Lords who 'provide an important independent voice and spiritual insight to the work of the Upper House and, while they make no claims to direct representation, they seek to be a voice for all people of faith, not just Christians. It would be reasonable to assume that some faiths may disagree with this.
8. However, many Councils have found it 'more proportionate to invite experts to give evidence at specific meetings, finding this a better use of their time than a standing position on a committee. This is increasingly the case where committees have a wide remit (such as People Overview and Scrutiny Committee), and there may not be items at every meeting which reflect the areas of the co-optees' expertise' (CfGS, 2014).
9. In order to do this well, the Committee, through officers principally, would need to develop a wide network of 'trusted stakeholders' and hold relationships with them directly or indirectly. This would enable the Committee to create more diversity across the entirety of the People Scrutiny Committee's brief, not just the education one, and hear from groups that aren't traditionally heard.
10. Very recent examples of this include the invitation of Oxfordshire Mind and the Oxfordshire Parent and Carers Forum to the Joint Health Overview and Scrutiny Committee on 10 March. Feedback sought after the meeting demonstrated that their participation added significant richness to the discussions that took place.

## **Next Steps**

11. The Committee has raised on previous occasions, the need to progress appointing to the four vacant positions on the Committee so plans should be progressed to correspond with the Oxford Diocesan Board of Education, and the Bishop and Archbishop of Portsmouth and Birmingham. It is hoped that those co-opted members will take their seats early in the new municipal year.
12. Working with Governor Services at the County Council, the Committee should also progress nominations from parent governor representatives. In the event that a series of nominations come forward from parent governor representatives there may be a need to run a small election. This could foreseeably create a delay but in any event, they should be in place towards the end of the first quarter of the new municipal year.
13. Subject to the Committee's views on an expansion of co-opted members this must be discussed as part of the Constitution Working Group. Any changes to Terms of Reference will be made via Council approval which will create unavoidable delay.
14. Subject to the Committee's views on creating a pool of trusted stakeholders to draw upon, this should be progressed with the Principal Overview and Scrutiny Officer when he is in post.

## **Corporate Policies and Priorities**

15. The Council's Strategic Plan for 2022-2025 has created a strategic priority in which to 'play our part in a vibrant and participatory local democracy' and specifically to support 'an enhanced role for Overview and Scrutiny to contribute to open and transparent decision making'.

## **Financial Implications**

16. The payment of reasonable expenses for all co-opted members will have a nominal impact on budgets under the control of the Monitoring Officer and will be managed within existing allocations.

Lorna Baxter, Director of Finance

## **Legal Implications**

17. The County Council's obligations in respect of co-opting Members onto the Council's relevant education Committee have been met in full.

Richard Hodby  
Solicitor

## **Staff Implications**

18. Progressing the actions within this report will be drawn from within existing resources in Overview and Scrutiny, Governor Services and Legal teams.

## **Equality & Inclusion Implications**

19. Progressing the appointment of co-opted members from different faith communities and those representing local schools will enhance the Council's ability to promote equality and inclusion and the fostering of good relations.

## **Sustainability Implications**

20. None immediately arising from this report.

## **Risk Management**

21. The risk associated with not appointing to the Committee relate to the Council's reputation amongst Members of the Committee and could invite legal challenge, although the probability of this is quite small.

## **Consultations**

22. None immediately arising from this report.

Anita Bradley  
Director of Law and Governance and Monitoring Officer

Annex: Terms of Reference – People Overview and Scrutiny Committee

Background papers: Centre for Governance and Scrutiny – 'Membership and Political Management' (2014)

Other Documents: None

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