

**Report for:** Overview and Scrutiny Committee - 30 March 2023

**Title:** **Change to Scrutiny Membership 2022/23**

**Authorised by:** Fiona Alderman, Head of Legal and Governance & Monitoring Officer

**Lead Officer:** Ayshe Simsek Democratic Services and Scrutiny Manager  
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**Ward(s) affected:** All

**Report for Key/  
Non-Key Decision:** Non-Key Decision

**1. Describe the issue under consideration.**

To agree changes to the membership of the Adults and Health Scrutiny Panel and Environment and Community Safety Scrutiny Panel as a result of the Council Member changes and change of political composition.

**2. Cabinet Member Introduction**

N/A

**3. Recommendations**

- 3.1 To agree that Cllr Ali to replace Cllr Wallace on the Environment and Community Safety Scrutiny Panel
- 3.2 To agree that Cllr Mason will fill the Labour vacant position on the Adults and Health Scrutiny Panel.

**4. Background information**

- 4.1 On the 6<sup>th</sup> of January 2023 it was confirmed by Cllr Joy Wallace, to the Monitoring Officer , Democratic Services Manager and Chief Executive in writing that she no longer wished to be treated as a member of the Labour group; This was in accordance with Local Government (Committees and Political Groups) Regulations 1990 – 10b.
- 4.2 On the 19<sup>th</sup> of January 2023, Cllr Yannis Gourtsoyannis confirmed in writing his resignation as an elected member of the Council and subsequently on March the 9 2023 , Cllr Sean Donovan was elected as a Councillor for Tottenham Hale Ward and is a Labour Councillor.
- 4.3 The political balance of the Council of 57 councillors is now as follows:

Labour	49 councillors ( 85.95%)
Liberal Democrats	7 councillors ( 12.3% )

Independent

1 Councillor ( 1.75% )

- 4.4 The Council is required to ensure that appointments to which the statutory political balance rules apply are made in accordance with those rules. The relevant rules are summarised below (see paragraph 4.5 ).The Annual Meeting of the Council appoints Committees of the Council in accordance with Article 4.02(k) of the Constitution. The Council is required to comply with the provisions of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 in terms of political balance when appointing 'ordinary' committees – that is, committees appointed under section 102(1)(a) of the Local Government Act 1972.
- 4.5 These rules provide that seats on 'ordinary' committees must be allocated in line with the following principles, so far as reasonably practicable:
- (a) that not all the seats on a body are allocated to the same political group;
  - (b) that the majority of the seats on the body are allocated to the political group which has the majority of the Council's membership;
  - (c) that, subject to principles (a) and (b) above, the proportion of seats allocated to each political group out of the total number of seats across all the ordinary committees of the Council shall be in the same proportion as their share of membership of the Council as a whole; and
  - (d) that, subject to paragraphs (a) to (c) above, the number of seats on each individual body shall be allocated to each political group in the same proportion as their share of membership of the Council as a whole.
- 4.6 In calculating the allocation of seats on ordinary committees, the following bodies are excluded because these bodies are excluded from the statutory rules on political balance:
- The Cabinet.
  - The disciplinary pool.
  - Licensing Sub-Committees (Licensing Act 2003 and Gambling Committee).
  - The Health and Wellbeing Board.
  - Overview and Scrutiny Committee

### **Overview and Scrutiny Committee**

- 4.7 Principles (a), (b) and (d) of the rules apply to the Overview and Scrutiny Committee by virtue of section 9FA(6)(b) of the Local Government Act 2000. However, because the Committee is established under the Local Government Act 2000, it is not an ordinary committee appointed under section 102 of the Local Government Act 1972 and so it is not included in the political balance calculations for the total number of seats on ordinary committees (principle c). As such, the Overview and Scrutiny Committee must be balanced, but on an individual basis.

- 4.8 Article 6 of the Constitution states the OSC shall appoint Scrutiny Panels in order to discharge the Overview and Scrutiny role.
- 4.9 The specific functions for any Scrutiny Panels established are outlined in Article 6 of the Constitution at 6.3 (b) and 6.3 (c). The procedure by which this operates is detailed in the Scrutiny Protocol:
- The OSC shall establish four standing Scrutiny Panels, to examine designated public services.
  - The OSC shall determine the terms of reference for each Scrutiny Panel.
  - If there is any overlap between the business of the Panels, it is the responsibility of the OSC to resolve the issue.
  - Areas which are not covered by the four standing Scrutiny Panels shall be the responsibility of the main OSC.
  - The Chair of each Scrutiny Panel shall be a member of the OSC, as determined by the OSC at its first meeting.
  - Scrutiny Panels are comprised of between 3 and 7 backbench or opposition members, and be politically proportionate as far as possible.
  - Each Scrutiny Panel shall be entitled to appoint up to three non-voting co-optees. The Children and Young People's Scrutiny Panel membership will include the statutory education representatives of OSC
- 4.10 There are currently 7 seats available on each of the 4 scrutiny panels with 6 Labour and 1 Liberal Democrat and changes to the political composition and the councillor vacancy do not significantly impact on proportionality. By keeping to 6 seats for Labour and 1 seat for the Liberal Democrat group on each panel, principles (a), (b) and (d) of Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 are adhered to.
- 4.11 The Majority group and Chair of the Overview and Scrutiny Committee have indicated that they wish to make the following changes to the membership of the scrutiny panels:
- Cllr Ali to replace Cllr Wallace on the Environment and Community Safety Scrutiny Panel
  - Cllr Mason fills the Labour vacant position on the Adults and Health Scrutiny Panel.

## **5. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities) Finance and Procurement**

5.1 There are no financial implications arising from the report.

### **Head of Legal and Governance & Monitoring Officer**

5.2 Under Section 21 (6) of the Local Government Act 2000, an Overview and Scrutiny Committee has the power to appoint one or more sub-committee to

discharge any of its functions. The establishment of Scrutiny Panels by the Committee falls within this power and is in accordance with the requirements of the Council's Constitution.

- 8.5 Scrutiny Panels are non-decision making bodies and the work programme and any subsequent reports and recommendations that each scrutiny panel produces must be approved by the OSC. Such reports can then be referred to Cabinet or Council under agreed protocols.

## **6. Use of Appendices**

**None**

## **7. Local Government (Access to Information) Act 1985**

7.1 Background documents:

- *Appointments to Cttees 2022 - 23*
- *Haringey Council's Constitution*

7.2 The background papers are located at River Park House, 225 High Road, Wood Green, London N22 8HQ.

7.3 To inspect them or to discuss this report further, please contact Ayshe Simsek on 0208 489 2929.