

# Executive Summary and Recommendations

**Title of Report:** Constitutional Issues

**Date:** 1 July 2009

## Summary of this Report

1. The Annual Meeting of the Council, on 13 May 2009, noted changes to the terms of reference of Cabinet Members as notified by the Leader of the Council in accordance with the requirements of the Constitution. One change was the transfer of responsibility for Adult Education to the Cabinet Member for Adult and Community Services.
2. This change has an impact on the membership of the Health and Community Services Policy and Scrutiny Committee which scrutinises the portfolio of this Cabinet Member, in that any Policy and Scrutiny Committee which has scrutiny functions in relation to education matters must include co-opted Members. A recommendation has therefore been included in this report to address this.
3. Since the Council received notice, at the Annual Meeting, of the terms of reference of Cabinet Members some minor changes have been notified by the Leader of the Council. These are outlined in paragraph 3.5 below.

## Recommendation

1. That the Council be recommended to amend the constitution of the Health and Community Services Policy and Scrutiny Committee by the addition of the following:  
  
4 co-opted Members with voting rights ie one co-opted representative each from the Church of England and Roman Catholic Diocesan Education Boards and two Parent Governor Representative.  
  
NB: The voting rights of the co-opted only extend to matters relating to Education.
2. That the Council be asked to note the changes to the terms of reference of Cabinet Members as set out in paragraph 3.4 of the report.



City of Westminster

# Committee Report

Item No:

Date:

1 July 2009

Classification:

For General Release

Title of Report:

Constitutional Issues

Report of:

Head of Legal Services

Wards involved:

Not applicable

Policy context:

Management of the Council

Financial summary:

There are no financial implications

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## **Background Information**

- 3.1 Previously, responsibility for Adult Education fell to the Cabinet Member for Children and Young People, whose portfolio was scrutinised by the Children and Young People P&S Committee. Adult Education now falls to the Health and Community Services Policy and Scrutiny Committee to scrutinise with the scrutiny of all other education functions remaining with the Children and Young People Policy and Scrutiny Committee.
- 3.2 There is a requirement that any Policy and Scrutiny Committee, which has responsibility for education matters, to have amongst its membership provision for co-opted Members, with voting rights, from the Church of England and Roman Catholic diocesan boards together with two parent governor representatives. Currently, these co-opted members are only appointed to the Children and Young People Policy and Scrutiny Committee and it is therefore now necessary to regularise the position and also appoint such co-opted Members to the Health and Community Services Policy & Scrutiny Committee.
- 3.3 The co-opted Members are only entitled to speak and vote on matters relating to education. As it is unlikely that the Health and Community Services Policy & Scrutiny Committee will be considering Adult Education matters at every meeting, it is intended to suggest to the co-opted Members that they only attend relevant meetings of which they will be notified.
- 3.4 As referred to earlier, the Leader has, since the Annual Meeting, notified some additional changes to Cabinet Members terms of reference, which are summarised below. There is a requirement to report these to full Council for information.
  - (a) The transfer of responsibility for sports provision and associated contracts relating to the Paddington Recreation Ground from the Cabinet Member for Customer Service and Communities to the Cabinet Member for Adult and Community Services; and, for clarity, to add to the terms of reference of the Cabinet Member for Customer and Communities, that this Cabinet Member has the separate responsibility for the have oversight of the development of the facility (ie the Paddington Recreation Ground) for the community.
  - (b) In respect of the Cabinet Member for Built Environment, the addition of “major matters in the Libraries, Leisure and Arts area within the Adults and Community Services portfolio” to those matters over which he has a general oversight.

## **4. Legal Implications**

- 4.1 Section 499 of the Education Act 1996 together with a Direction issued by the Secretary of State with responsibility for education require that Scrutiny Committees with responsibility for education functions should include representatives of the relevant Diocesan authorities for the area. In addition,

the 1996 Act together with Regulations made under the Local Government Act 2000 require that the membership of such committees also includes at least two elected Parent Governor Representatives.

**5. Financial Implications**

5.1 There are no financial implications.

**6. Other Implications – None.**

If you have any queries about this report or wish to inspect any of the background papers please contact Mick Steward: Tel: 020 7641 3134;  
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**Background Documents**

- Constitution
- Report to Annual Council Meeting – 13 May 2009

