



Waltham Forest Town Hall
Forest Road
E17 4JF

Inner North East London Joint Health and Overview Scrutiny Committee Agenda 2nd Despatch

Dear Member,

The agenda for the meeting on Wednesday, 24 April 2024 was published on Tuesday 16 April, 2024. Attached is a further agenda item requested by the Chair after the publication of the main agenda.

Linzi Roberts-Egan
Chief Executive

**Meeting date
and time:** Wednesday, 24 April 2024
7.00 pm

Venue: Council Chamber - Waltham Forest Town Hall

Membership

Voting

Chair: Councillor Richard Sweden

Vice-Chair: Councillor Susan Masters

Councillors: Councillor Afzal Akram, Councillor Jennifer Whilby, Councillor Claudia Turbet-Delof, Councillor Sharon Patrick, Councillor Ben Hayhurst, Councillor Ahmodur Khan, Councillor Ahmodul Kabir, Councillor Amy Lee, Councillor Rita Chadha, Councillor Danny Keeling and Common Councilman David Sales

Access to Meetings

All Council/Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

Most meetings are held in person at Waltham Forest Town Hall which is an accessible venue located at Fellowship Square, Forest Road, E17 4JF.

The nearest underground and railway station is Walthamstow Central which is approximately 15 minutes' walk away from the Town Hall. Buses on routes 275 and 123 stop outside the building, and on routes 34, 97, 215 and 397 at Forest Road/Bell Corner, less than 5 minutes' walk away.

There is pay and display parking for visitors including parking bays for people with disabilities.

The entrance to the Town Hall Car Park is now located on Farnan Avenue, E17. Visitors can park within the marked pay and display 'Visitor Bays'.

There is ramped access to the building for wheelchair users and people with mobility disabilities. The Council Chamber and Committee Rooms are accessible by lift and are located on the first floor of Waltham Forest Town Hall. Induction loop facilities are available in most Meeting Rooms.

If you wish to attend a meeting and are concerned about accessibility, please contact the Democratic Services team at the details on the front of this agenda.

Electronic copies of agendas, reports and minutes can be found on the [Council's Democracy website](#).

Contact details for report authors are shown on individual reports. Report authors should be contacted prior to the meeting if further information on specific reports is needed or if background documents are required.

Disclosable Pecuniary Interests (DPI) are prescribed by the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#) as follows:

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—

- (a) under which goods or services are to be provided or works are to be executed; and which has not been fully discharged; and
- (b) which has not been fully discharged.

Land

Any beneficial interest in land which is within the area of the relevant authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to the member's knowledge)—

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

A Member must disclose at meetings as a non-pecuniary interest:

- Appointments made by the authority to any outside bodies (excluding joint committees with other local authorities);
- Membership of charities;
- Membership of trade unions recognised by the authority;
- Membership of lobbying or campaign groups;
- Governorships at any educational institution in the borough;
- Membership of voluntary organisations operating in the borough.

General Dispensation

In accordance with s33(2) of the Localism Act, 2011, the Monitoring Officer has granted dispensations to all Councillors until the Annual General Meeting of Council in 2018.

The grounds for the dispensations are that:

- Granting the dispensation is in the interests of persons living in the authority's area(s33(2)(c) of the Localism Act 2011) by allowing their elected representatives to participate and vote on the Council's budget and council tax setting: and
- It is otherwise appropriate to grant a dispensation (s33(2)(e)) in that the dispensation will allow members to fully represent their constituents in respect of these important matters.

Monitoring Officer's guidance on bias and pre-determination

The Council often has to make controversial decisions that affect people adversely and this can place individual councillors in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well-established legal principle that councillors who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in "quasi-judicial" decisions in planning and licensing committees.

This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. The law is very clear that members may have strong views on a proposed decision, and indeed may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an "open mind".

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination "just because" a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Pre-determination means having a "closed mind". In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence.

Bias can also arise from a member's relationships or interests, as well as their state of mind. The Code of Conduct's requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a "non-pecuniary interest" under the Code also gives rise to a risk of what is called apparent bias. The legal test is: "whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased".

A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek legal advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer and / or the legal advisor for their committee.

Agenda

7. NHS Proposal - Joint Committee Merger

The Committee will be invited to discuss a response to a reported NHS proposal to form a single JHOSC covering the whole of North East London.

Please note that the agenda is available in electronic format on the council's [Democracy website](#).

If you require a hard copy of any of the above reports, contact democratic services at democraticservices@walthamforest.gov.uk.