



Report of the Head of Scrutiny and Member Development

Scrutiny Board (Children and Families)

Date: 23 June 2011

Subject: Co-opted Members

Electoral Wards Affected:

All

☐

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

1 Purpose of this report

- 1.1 The purpose of this report is to seek the Scrutiny Board's formal consideration for the appointment of co-opted members to the Board.

2 Background information

- 2.1 For a number of years the Council's Constitution has made provision for the appointment of co-opted members to individual Scrutiny Boards. For those Scrutiny Boards where co-opted members have previously been appointed, such arrangements have tended to be reviewed on an annual basis, usually at the beginning of a new municipal year. However, the appointment of co-opted members has not been considered consistently across all Scrutiny Boards.

3 Main issues

General arrangements for appointing co-opted members

- 3.1 It is widely recognised that in some circumstances, co-opted members can significantly aid the work of Scrutiny Boards. This is currently reflected in Article 6 (Scrutiny Boards) of the Council's Constitution, which outlines the options available to Scrutiny Boards in relation to appointing co-opted members.

3.2 In general terms, Scrutiny Boards can appoint:

- Up to five non-voting co-opted members for a term of office that does not go beyond the next Annual Meeting of Council ; and/or,
- Up to two non-voting co-opted members for a term of office that relates to the duration of a particular and specific scrutiny inquiry.

3.3 In the majority of cases the appointment of co-opted members is optional and is determined by the relevant Scrutiny Board. However, Article 6 makes it clear that co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board. Particular issues to consider when seeking to appoint a co-opted member are set out later in the report.

3.4 There are also some legislative arrangements in place for the appointment of specific co-opted members. Such cases are also set out in Article 6 (Scrutiny Boards) of the Council's Constitution and are summarised below.

Arrangements for appointing specific co-opted members

Education Representatives

3.5 In addition to elected Members appointed by Council, the Local Government Act 2000 states that the relevant Scrutiny Board dealing with education matters shall include in its membership the following voting representatives in accordance with statutory requirements:

- One Church of England diocese representative¹
- One Roman Catholic diocese representative¹
- Parent governor representatives²

3.6 The number and term of office of education representatives is fixed by full Council and set out in Article 6. Representatives of the Church of England and Roman Catholic dioceses are nominated by their diocese and three parent governor representatives are elected. Such representatives are then notified to the Scrutiny Board and their appointment confirmed.

3.7 Where the Scrutiny Board deals with other non-educational matters the co-opted members may participate in any discussion but shall not be entitled to vote on those matters.

Crime and Disorder Committee

3.8 In accordance with the requirements of the Police and Justice Act 2006, the Council has designated the Scrutiny Board (Safer and Stronger Communities) to act as the Council's crime and disorder committee.

3.9 In its capacity as a crime and disorder committee, the Scrutiny Board (Safer and Stronger Communities) may co-opt additional members to serve on the Board, providing they are not an Executive Member.

¹ Article 6 states this appointment shall be for a term of office that does not go beyond the next Annual Meeting of Council

² Article 6 states these appointments shall be for a four-year term of office

- 3.10 The Scrutiny Board (Safer and Stronger Communities) may limit the co-opted member's participation to those matters where the Scrutiny Board is acting as the Council's crime and disorder committee.
- 3.11 Unless the Scrutiny Board (Safer and Stronger Communities) decides otherwise, any co-opted member shall not be entitled to vote and the Board may withdraw the co-opted membership at any time.

Issues to consider when seeking to appoint co-opted members

- 3.12 Currently, there is no overarching national guidance or criteria that should be considered when seeking to appoint co-opted members. As a result, there is a plethora of methods employed within Councils for the appointment of co-optees to Overview and Scrutiny Committees (Scrutiny Boards). For example, some Councils use "job descriptions", some carry out formal interviews and some advertise for co-optees in the local press, with individuals completing a simple application form which is then considered by Members.
- 3.13 The Constitution makes it clear that 'co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board'. In considering the appointment of co-opted members, Scrutiny Boards should be satisfied that a co-opted member can use their specialist skill or knowledge to add value to the work of the Scrutiny Board. However, co-opted members should not be seen as a replacement to professional advice from officers.
- 3.14 Co-opted members should be considered as representatives of wider groups of people. However, when seeking external input into the Scrutiny Board's work, consideration should always be given to other alternative approaches, such as the role of expert witnesses or use of external research studies, to help achieve a balanced evidence base.
- 3.15 When considering the appointment of a standing co-opted member for a term of office, Scrutiny Boards should be mindful of any potential conflicts of interest that may arise during the course of the year in view of the Scrutiny Boards' wide ranging terms of reference. To help overcome this, Scrutiny Boards may wish to focus on the provision available to appoint up to two non-voting co-opted members for a term of office that relates to the duration of a particular and specific scrutiny inquiry.
- 3.16 Despite the lack of any national guidance, what is clear is that any process for appointing co-opted members should be open, effective and carried out in a manner which seeks to strengthen the work of Scrutiny Boards.

4.0 Scrutiny Board (Children and Families)

- 4.1 As indicated at 3.5 above, the Children and Families Board is required to include in its membership the following voting representatives in accordance with statutory and constitutional requirements:
- One Church of England diocese representative
 - One Roman Catholic diocese representative
 - Three parent governor representatives
- 4.2 The Church of England and Roman Catholic dioceses have nominated Professor Gosden and Mr Britten to continue as their respective representatives.
- 4.3 The current parent governor representatives are
- Ms Jacqueline Ward (secondary) – term of office expires 20th April 2015
 - Ms Natalie Cox (special) - term of office expires 11th January 2014

An election process is currently taking place for the vacant position of primary parent governor representative.

- 4.4 During 2010/2011 Scrutiny Board (Children's Services) made the following non-voting co-opted appointments:
- Two teacher representatives –Ms Celia Foote and Ms Claire Johnson
 - Early Years Development and Childcare Partnership – Mrs Sandra Hutchinson
 - A representative of the Leeds Youth Work Partnership – Ms Taira Kayani
 - A representative of Leeds Voice Children and Young People Services Forum – Ms Jeanette Morris-Boam
- 4.5 The Early Years Development and Childcare Partnership and the Leeds Youth Work Partnership have indicated that they would wish the same people to continue on the Board, should the Scrutiny Board decide to maintain the same range of co-opted appointments for 2011/12. The Teachers' Joint Consultative Committee is due to meet in the near future and will notify the Scrutiny Board of any changes to its nominees. It is suggested that the existing nominees are retained pending confirmation of their continued nomination. The Leeds Voice Children and Young People Services Forum has nominated Ms Aqila Choudry to replace Ms Jeannette Morris-Boam.

5.0 Recommendation

- 5.1 In line with the options available outlined in this report, Members are asked to
- confirm the appointment of the voting co-opted representatives, and
 - to consider the appointment of non-voting co-opted members to the Scrutiny Board.

Background Papers

- The Council's Constitution
- Police and Justice Act 2006
- KPMG Scrutiny Review May 2009