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**Report of Head of Scrutiny and Member Development**

**Report to Scrutiny Board (Health and Wellbeing and Adult Social Care)**

**Date: 27 June 2012**

**Subject: Co-opted Members**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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**Summary of main issues**

1. For a number of years the Council's Constitution has made provision for the appointment of co-opted members to individual Scrutiny Boards. However, the appointment of co-opted members has not been considered consistently across all Scrutiny Boards.
2. This report provides guidance to the Scrutiny Board when seeking to appoint co-opted members. There are also some legislative arrangements in place for the appointment of specific co-opted members. Such cases are set out in Article 6 of the Council's Constitution and are also summarised within this report.

**Recommendation**

3. In line with the options available outlined in this report, Members are asked to consider the appointment of co-opted members to the Scrutiny Board.

## **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 representative<sup>1</sup>
- One Roman Catholic diocese representative<sup>1</sup>
- Three parent governor representatives<sup>2</sup>

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 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.

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 Council's 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,

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

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

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.

#### Previously appointed co-opted members

- 3.17 In 2011/12, the previous Scrutiny Board (Health and Wellbeing and Adult Social Care) formally appointed four non-voting co-opted members to their membership, as follows:
- Alliance of Service Users and Carers – 1 co-opted member;
  - Leeds Local Involvement Network – 2 co-opted members; and
  - Equality representative – 1 co-opted member
- 3.18 Without predetermining the Board's decision whether or not to appoint any co-opted members for the current year (2012/13), previously appointed co-opted members will be asked to express their interest in being considered as formally appointed non-voting co-opted members of the Scrutiny Board for the current municipal year. The outcome of these discussions will be reported at the meeting for consideration.

## **4.0 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 During 2010/11, the guidance surrounding co-opted members was discussed by the Scrutiny Chairs and it was agreed that individual Scrutiny Boards would consider the appointment of co-optees on an individual basis.

### **4.2 Equality and Diversity / Cohesion and Integration.**

- 4.2.1 The process for appointing co-opted members should be open, effective and carried out in a manner which seeks to strengthen the work of the Scrutiny Board. In doing so, due regard should also be given to any potential equality issues in line with the Council's Equality and Diversity Scheme.

### **4.3 Council Policies and City Priorities**

4.3.1 The Council's Scrutiny arrangements are one of the key parts of the Council's governance arrangements. Within the Council's Constitution, there is particular provision for the appointment of co-opted members to individual Scrutiny Boards, which this report seeks to summarise.

### **4.4 Resources and Value for Money**

4.4.1 Where applicable, any incidental expenses paid to co-optees will be met within existing resources.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 Where additional members are co-opted onto a Scrutiny Board, such members must comply with the provisions set out in the Member's Code of Conduct as detailed within the Council's Constitution.

### **4.6 Risk Management**

4.6.1 As stated in paragraph 3.15 above, when Scrutiny Boards are considering the appointment of a standing co-opted member for a term of office, they 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.

## **5.0 Conclusions**

5.1 For a number of years the Council's Constitution has made provision for the appointment of co-opted members to individual Scrutiny Boards. However, the appointment of co-opted members has not been considered consistently across all Scrutiny Boards. This report therefore sets out the legislative arrangements in place for the appointment of specific co-opted members and also provides further guidance when seeking to appoint co-opted members.

## **6.0 Recommendations**

6.1 In line with the options available outlined in this report, Members are asked to consider the appointment of co-opted members to the Scrutiny Board.

## **7.0 Background documents<sup>3</sup>**

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

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<sup>3</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.