
Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Children and Families)

Date: 28th June 2013

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

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 representative¹ - A nomination has yet to be received.
- One Roman Catholic diocese representative¹ - A nomination has yet to be received.
- Parent governor representatives²
Two representatives are currently in post
Amanda Craven (primary) – 08/09/2011 – 07/09/2015
Jacqueline Ward (secondary)– 21/04/11 – 20/04/2015

The Parent Governor Regulations (Representatives) England 2001 states that a local education authority shall appoint at least two parent governor representatives to each of their education overview and scrutiny committees and sub-committees. It is recommended that the structure for Educational Representatives should reflect this requirement for 2013/14 and that the vacant post be removed. It is also recommended that a review of representatives is conducted during 2013/14 as part of a wider co-opted member review.

- 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.

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

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, 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. Services for Children and Families have changed significantly since the Scrutiny Board conducted its last review of co-opted representation in 2005, both on a national and local level. It is recommended that the Scrutiny Board conduct a review of the groups represented in preparation for the 2014/15 municipal year to ensure that an appropriate cross section of representation is maintained and to 'plug the gap' in any identified area of skills and expertise.

Nominations for non –voting co-opted members for 2013/14

In addition to those voting co-opted member nominations stated in paragraph 3.5 the following non-voting nominations have been received:

- 1) Teacher Representative – Celia Foote (Board Member 2012/13)
- 2) Teacher Representative – Christine Raftery (Board Member 2012/13)
- 3) Early Years Representative – Sandra Hutchinson (Board Member 2012/13) or Sue Knowles

4) Young Lives Leeds (0 – 13 years) – Jeanette Morris-Boam (Board Member 2012/13)

5) In previous years Taira Kayani has been co-opted onto the board as the representative from the Leeds Youth Work Partnership. This partnership has ceased to exist and in the absence of a partnership it is recommended that Young Lives Leeds³ is able to make a second nomination who would be Taira Kayani with a focus on the 13 – 19 age group.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 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.

³ Young Lives Leeds is the major organisation supporting the third sector organisations working with children, young people and families in Leeds

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 and information outlined in this report, Members are asked to:

- i) consider the appointment of co-opted members to the Scrutiny Board.
- ii) determine and specify who will be appointed as co-opted members.
- iii) agree to undertake a review of co-opted membership in 2013/14.

7.0 Background documents⁴

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

⁴ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.