

Co-opted Members

Date: 9th June 2021

Report of: Head of Democratic Services

Report to: Scrutiny Board (Children and Families)

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- The Council's Scrutiny arrangements are one of the key parts of the Council's governance arrangements. 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.
- 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 the Council's Constitution and are also summarised within this report.

Recommendations

In line with the options available and information outlined in this report, Members are asked to:

- a) Consider and discuss the appointment of non-voting co-opted members to the Children and Families Scrutiny Board.
- b) Note the nominations of the Roman Catholic Diocese and Church of England Diocese to the Children and Families Scrutiny Board in accordance with statutory requirements.
- c) Note the appointed parent governor representatives to the Children and Families Scrutiny Board in accordance with statutory requirements.

Why is the proposal being put forward?

1. In the majority of cases the appointment of co-opted members is optional and is determined by the relevant Scrutiny Board. The Scrutiny Board Procedure Rules within the Council's Constitution outlines the options available to Scrutiny Boards in relation to appointing co-opted members.
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. To assist the Scrutiny Board, this report sets out a number of key issues to consider when seeking to appoint a co-opted member.
4. However, in addition to the above options, there are also legislative requirements regarding the appointment of specific education representatives onto the Children and Families Scrutiny Board. This report therefore sets out how this requirement has been met.

What impact will this proposal have?

Wards affected: All

Have ward members been consulted? Yes No

5. It is widely recognised that in some circumstances, co-opted members can significantly aid the work of Scrutiny Boards.
6. The Scrutiny Board Procedure Rules make 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.
7. 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.
8. 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.
9. When considering the appointment of a 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.

10. 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.

Education Representatives

11. 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
12. 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.
13. 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.
14. 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.
15. In accordance with above statutory requirements, the following individuals have been nominated/appointed onto the Children and Families Scrutiny Board for the 2021/22 municipal year:
 - One Church of England diocese representative - Andrew Graham has been nominated
 - One Roman Catholic diocese representative - Tony Britten has been nominated
 - Parent governor representatives are as follows:
 - Jacqueline Ward (Secondary)– 23/04/2019 – 24/04/2023
 - Kate Blacker (Primary) – 26/09/2018 – 26/09/2022

Non-voting co-opted members on the Children and Families Scrutiny Board

16. The appointment of non-voting teacher representation has been a longstanding approach adopted by the Children and Families Scrutiny Board. This year, both Celia Foote and Helen Bellamy have been nominated again by the School Staff Joint Consultative Committee (JCC) to continue their role on the Scrutiny Board and to also be acknowledged in their role as representing school staff more broadly.
17. The Children and Families Scrutiny Board has also previously invited co-opted member representation from other relevant key areas which have included Early Years, Looked

¹ This appointment shall be for a term of office that does not go beyond the next Annual Meeting of Council.

² These appointments shall be for a four-year term of office.

After Children/Care Leavers and the Third Sector (i.e. Young Lives Leeds). However, due to other commitments, the co-opted members previously representing these areas are no longer able to continue on the Scrutiny Board this year.

18. The Chair would therefore like to use this opportunity to gauge the views of Board Members on whether to continue pursuing nominations in these particular areas or seek to explore representation from other potential areas. Linked to this, Members should also remain mindful of the alternative options of engagement that are available to the Board.
19. The views of Board Members during today's meeting will be used to inform a decision on the appointment of co-opted members at the Board's next formal meeting.

What consultation and engagement has taken place?

20. The guidance surrounding co-opted members was previously discussed by the Scrutiny Chairs when it was agreed that individual Scrutiny Boards would consider the appointment of co-optees on an individual basis.

What are the resource implications?

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

What are the legal implications?

22. 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.

What are the key risks and how are they being managed?

23. 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.

Does this proposal support the council's three Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

24. The terms of reference of the Scrutiny Boards promote a strategic and outward looking Scrutiny function that focuses on the best council objectives and it is widely recognised that co-opted members can significantly aid the work of Scrutiny Boards.

Appendices

25. None.

Background papers

26. None.