

OVERVIEW AND SCRUTINY HANDBOOK

REPORT OF THE HEAD OF OVERVIEW AND SCRUTINY

1. Purpose of Report

- 1.1 To provide the Scrutiny Committee with a progress report on the refresh of the Council's Handbook for Overview and Scrutiny specifically in relation to :
- A draft Protocol for the Appointment of Co-opted Members to the Council's Scrutiny Committees;

2. Background

- 2.1 Local authorities are able to nominate co-optees to serve on scrutiny committees who are not councillors. This is in addition to co-optees for school governors and diocesan representatives co-opted with voting rights onto education scrutiny committees.
- 2.2 Recent drivers for change around the benefits of co-option include government democracy proposals, specifically around the functions of overview and scrutiny, which include creating a strong connection between scrutiny committees and local people and greater use of co-option onto scrutiny committees, particularly in relation to involvement in policy reviews is an example of how this can be achieved.
- 2.3 There is also a general power to include additional non voting members under section 21(10) LGA and paragraph 5 of Schedule 8 to the Police Justice Act 2006. This allows for co-option directly onto the Crime & Disorder Scrutiny Committee (in Sunderland the Community & Safer City Scrutiny Committee).

3. Draft Co-option Protocol

- 3.1 A Protocol has been developed to :
- (a) Provide guidance to each Scrutiny Committee considering co-option (Appendix 1)
 - (b) Define the roles and responsibilities of co-opted members (Appendix 2)
- 3.2 It is intended that the Protocol will provide a consistent approach across all Scrutiny Committees and enable the most useful contribution from co-opted representatives. It is intended to be a positive approach to make the most of the contribution of a co-opted member, if the Scrutiny Committee decided to use this option, in addition to other contributions.
- 3.3 The Protocol attached includes advice regarding the balance of membership on each Scrutiny Committee (Protocol Para. 4.4) and recommends that the co-opted representation should not outnumber the elected member representation.

3.4 All Scrutiny Committees need to be advised that in considering nominations for appointment the relevant sections of the Local Government Act 1972 must be heeded. This refers to disqualifications for election and holding office as a member of a local authority. Section 80 states that disqualification shall apply to a person being appointed to a committee of the local authority if the person is in the employment of the local authority. There is a limited exception for teachers or others employed in any school or educational institution maintained or assisted by a Local Education Authority who may be appointed to Committees dealing with education and library matters. It will be recommended that the non-teaching employee in schools and social care post is deleted.

4. Conclusion

4.1 It is appropriate that all Scrutiny Committees begin to consider whether they would benefit from co-option in light of the recent changes in legislation, new powers for scrutiny and the democratic engagement agenda.

4.2 In the lead up to the next municipal year, 2010/11, and the development of new work programmes, all Scrutiny Committees will have the opportunity to consider the appropriate use of co-option guided by the new Protocol and in support of emerging review and scrutiny business.

5. Recommendation

5.1 It is recommended :

(a) That comments be received on the draft Co-option Protocol and subject to the comments received from all the Scrutiny Committees, the draft Protocol is endorsed and is included in the new Handbook.

(b) Using the guidance of the new Protocol, the Committee takes a view on the current non-statutory representation on the Committee. .

6. Background Papers

Overview and Scrutiny Handbook

Protocol for the Appointment of Coopted Members to Scrutiny Committees

Part 1. Background

- 1.1 The Council's constitution says that
- “Each overview and scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.”*
- 1.2 This protocol is a guide for Scrutiny Committees in helping with:
- Why a scrutiny committee might want to co-opt
 - When not to co-opt
 - Who to co-opt
 - How to co-opt
 - What are the steps to follow
- 1.3 A separate paper is available describing the role of a co-opted member, the responsibilities and the support available.
- 1.4 Co-opted members can be recruited for the municipal year or the duration of a working group.
- 1.5 There are two variations to this arrangement.
- (a) The Children, Young People and Learning Scrutiny Committee deals with education matters and that Committee is *obliged* to include in its membership co-opted representatives from the Diocesan Boards and Parent Governors as voting members of the Committee for 3-year terms.
- (b) The Community and Safer City Scrutiny Committee deals with crime and disorder matters and *may itself* co-opt additional members to serve on the committee where it considers this appropriate.

All other Scrutiny Committees, in accordance with the Protocol below will refer nominations to Council to appoint to the Committees.

Part 2. Why a scrutiny committee might want to co-opt

- 2.1 Co-opted members can make a considerable and valuable contribution to the work of a Scrutiny Committee through broadening the range of experience, skills and knowledge available to support elected members in their deliberations.
- 2.2 A Scrutiny Committee that is considering whether to recommend the appointment of co-opted Members should identify, in the context of its terms of reference and the Work Programme for the year ahead:

- The range of skills and knowledge the Committee will need to effectively deliver its work-programme
- The range of skills and knowledge the existing (elected and co-opted) Members of the Committee are already able to bring to the Committee
- Where there are gaps in the required skills and/or knowledge that a co-opted Member could fill
- Whether the need for these skills and knowledge is time-limited

Part 3. When *not* to co-opt

- 3.1 When considering whether and who to co-opt, the Committee will consider the range of arrangements available to the Committee to gather information to inform its deliberations or whether the Committee requires the additional expertise of a co-opted member's attendance throughout the year.
- 3.2 Other arrangements include the calling of expert and other witnesses, and consultation through a range of means designed to reach members of the city's communities, receiving evidence or hearing from interested parties (from one or several witnesses or experts, and on one or more occasions).
- 3.3 In many circumstances, the temporary attendance of a member of the community who has a particular knowledge of the issues under consideration can be an appropriate way of including and gathering information about how Council policies are working for the city's communities, and identifying ways of improving. Members should bear in mind that many representatives of the city's communities may find the formality of appointment to a Council Committee more daunting than this more informal involvement.
- 3.4 In coming to a decision the Committee is referred to the table below.

Coopted Member	External Witness	Expert Witness
Consistent access to a broader perspective across the work programme	Impartial evidence for any topic in the work programme or as part of a policy review	Professional Expertise provided on consultancy basis to advise on policy review
Balanced representation of community experience on the Committee	Flexibility to contribute to one-off issues	Specialist topics approached with appropriate guidance
Commitment to working with community representatives and partner organisations and building close working relationships	Wide range of witness options across all topics	Validates conclusions through expert perspective
Capacity increased for work outside the formal Committee meeting	Personal experience of service or policy implications	
External challenge and perspective on issues under consideration	Independent of the Council	
Understanding of Local Authority and Partners	Single-issue / lobby group perspective on issues	

Diversity of knowledge and experience		
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Part 4. Who to co-opt

- 4.1 When seeking nominations, the Committee should consider how representative the Committee's elected membership is of the experience of the community as a whole with particular regard to the 6 equality strands; age, faith, gender, ethnicity, disability, sexual orientation.
- 4.2 The co-opted nominee should be a member of a representative group, sector or organisation relevant to the scope of the Committee or project being undertaken or be a resident in the Sunderland area.
- 4.3 The Committee should:
- Determine the number of nominations to be sought.
 - Identify the range of experience, skills, knowledge and expertise the committee is seeking and seek nominations from organisations and individuals who demonstrate they have these
 - Guard against seeking nominations from organisations or individuals with a single issue perspective or personal agenda
 - Identify organisations which represent interest groups that fill identified gaps
 - Consider approaching voluntary and community sector organisations to seek nominations where there is an identified need to balance the membership to reflect the experience of all sectors of the community.
- 4.4 In determining the number of co-opted Members to be invited to serve, the committee should ensure that membership achieves a balance between the representative role of elected Members and the value that can be added through bringing a range of skills and perspectives to the work of the Committee. To avoid the Committee becoming unwieldy, the number of co-opted members should be kept to the minimum necessary. The number of additional co-opted members should not in any case be greater than the number of permanent committee members.

Part 5. How to co-opt

- 5.1 The Committee should follow these steps :
1. At the point of determining the Annual Work Programme and project plan for Policy Review, the Committee will consider whether the business of the committee may require the input of co-opted member/s.
 2. When the Committee has considered the range of nominations to be sought the Scrutiny Officer will on behalf of the Committee:
 - Seek and receive nominations on behalf of the Committee, ensuring prospective co-opted members are aware of the requirements of the

role and that information put forward in support of their application will be considered in a public meeting of the Committee.

- Methods may include writing directly to organisations and individuals or advertising for individuals able to serve as co-opted members, using local press, and/or website.
 - Report nominations to the next available meeting of the Committee.
3. When selecting co-opted members the Committee should:
- Evaluate these against the requirements identified.
 - Give preference to individuals able to make the broadest contribution to the required skills and knowledge base.
 - Propose nominations to be put to Council
4. Appointment by Council
- Committee reports its preferred nominations to full Council
 - Council considers nominations and makes appointments of co-opted members for the Council year

Role of a Co-opted Member

1. Background

- 1.1 The following is not an exhaustive description but gives a guide to what may be required from a co-opted representative.
- 1.2 There are some things for which training and support can be given e.g. understanding of local government, the scrutiny process, agendas etc but other things such as ability to speak up, consult with the organisation being represented etc are skills which a representative should be bringing with them.
- 1.3 Co-opted members will be representing a group, sector or organisation on the Scrutiny Committee or working group and will be expected to voice opinions on behalf of the represented body.

2. Contribution of Coopted Members

- Be able and willing to attend monthly Scrutiny Committee meetings and additional meetings and or/working parties outside of the normal Committee cycle
- Prepare in advance of the meeting, by reading the published agenda and papers
- Be able to assimilate agenda reports and other documents and to raise questions from them in order to help the committee to make practical suggestions for improvements to services
- Play an active role in contributing to discussions on policies, bringing the point of view of the represented body or any specialist knowledge on all matters, not just those of the specialist area
- Bring an element of external challenge to the Committee discussions for example, through the representational role and also by relating issues more as the general public may view issues
- Be willing and able to report back regularly to the represented body and bring back their concerns and observations
- Be willing and able to consult with the represented body in order to ensure that proposed policies or reviews reflect their voices and concerns
- Have an understanding of the role and function of overview and scrutiny
- Be willing to attend and participate in relevant training
- Promote awareness, understanding and interest in the work of the Scrutiny Committee

3. Qualities of a Co-opted Members

- Effective communication skills, with the ability to listen and question effectively
- Ability to interpret and assess information to identify issues and propose solutions
- Ability to consider an issue from a range of points of view

- An open-minded approach to people and issues
- Ability to work cooperatively and as part of a team in both formal and informal settings
- A commitment to improving outcomes for people in Sunderland

4. General principles for co-opted members

4.1 Before taking up appointment co-optees will be expected to sign a declaration that they will observe the principles of the Code of Conduct, including the Nolan principles of involvement in public life. This includes a requirement for the co-opted member to declare interests in issues under consideration, and to withdraw from any part of a meeting where they have a personal and prejudicial interest in the same way as an elected Member.

4.2 Co-opted members with voting rights will need to:

- Complete an entry in the Register of Interests within 28 days of taking office.
- Abide by the Council's Constitution and the Scrutiny handbook in terms of rules and procedures for Scrutiny Committee proceedings

4.3 If a co-opted member fails (without the agreement of the Council) to attend throughout a period of 6 months, they will cease to be a co-opted member.

4.4 No co-opted member may be involved in scrutinising a decision in which he/she has been directly involved.

4.5 Co-opted members may need to declare a personal or prejudicial interest in specific agenda items – guidance will be given on this.

4.6 As a member of a scrutiny committee co-opted members may volunteer, or be asked by the Committee to take part in task and finish working groups. These are time-limited, set up to carry out specific pieces of work within agreed terms of reference. They make recommendations and report back to the main committee.

5. Support arrangements for Co-opted Members

5.1 Co-opted members of the Committees will be provided with the following to support their participation in the work of the Committee, and of working groups established by it.

5.2 Before taking up a place on the Committee, a co-optee will be given an induction into the requirements of the Members' Code of Conduct, including the registration and declaration of interests before signing acceptance of the Members' Code of Conduct and advice on how the Committee operates and fits into the Council's decision-making process.

5.3 Upon appointment, co-optees will be given copies of, and a brief explanation of:

- The Council's Constitution,

- The Corporate Improvement Plan
- The Scrutiny Handbook
- Key documents relevant to the Scrutiny Committee including terms of reference, current forward work programme, planned meeting dates, and recent committee papers.

5.4 Scrutiny Officer support is available to all Scrutiny Committee co-opted members in the same way as scrutiny committee councillors. Each scrutiny committee has a named Scrutiny Officer with access to the rest of the scrutiny team for wider requests for information or guidance. Briefing before or after scrutiny meetings can be available on request.

5.5 In line with legal requirements, paper copies of agendas and reports for meetings will be issued at least 5 working days before the date of the meeting.

6. Car Parking

3.1 Scrutiny Committee meetings are usually held in the late afternoon. For meetings started after 5.00 pm co-opted members will be able to park in the secure underground car park of the Civic Centre. For meetings at other times arrangements can be made through the Democratic Support Officer.

7.1 Access

3.1 All meeting rooms at the Civic Centre are fully accessible and hearing loops are installed in some rooms. If you have any particular requirements or access needs to enable you to participate in meetings, please contact the Democratic Services Officer for your committee. With reasonable notice, we will also provide information in other formats, for example, large print or on tape – please contact the Democratic Services Officer for details.

8. Expenses

3.1 All co-opted members are entitled to claim reasonable travel expenses (for instance bus fares or mileage and parking). For those with carer responsibilities, it is also possible to claim an allowance for the care of a dependent relative. Co-opted members should, where possible, obtain receipts for any expenditure. The Democratic Services Officer will be able to give advice on making a claim for expenses.

9. Access to information

9.1 You are entitled to access to all information available to the scrutiny committee, sub-committee or working party on the same 'need to know' basis as elected councillors.

10. How do I become a co-opted member?

10.1 If you are a member of a group or have specific experience or knowledge and you think you can make a contribution as a co-opted member to a Scrutiny Committee please contact the Scrutiny Team on 0191 561 1004/1006/1396 or overviewandscrutiny@sunderland.gov.uk