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28 March 2025

To: All Members of the Adults & Health Scrutiny Panel

Dear Member,

Adults & Health Scrutiny Panel - Monday, 31st March, 2025

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

8. UPDATE ON NON-VOTING CO-OPTED MEMBERS (PAGES 1 - 14)

Yours sincerely

Dominic O'Brien,
Principal Scrutiny Officer

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Report for: Adults and Health Scrutiny Panel – 31st March 2025

Title: Appointment of Non-Voting Co-opted Member

Report authorised by: Ayshe Simsek, Democratic Services & Scrutiny Manager

Lead Officer: Dominic O'Brien, Principal Scrutiny Officer

Ward affected: All

Report for Information

1. Describe the issue under consideration

- 1.1 The purpose of this report is to seek formal approval of the appointment of a non-voting co-opted Member to the Panel.

2. Cabinet Member Introduction

- 2.1 N/A

3. Recommendations

- 3.1 That Evelyn Trimmingham be appointed as a non-voting co-opted Member of the Panel.
- 3.2 That the non-voting co-opted Members of the Panel for the remainder of the 2024/25 Municipal Year be confirmed as Helena Kania and Evelyn Trimmingham.
- 3.3 To note the revisions to the Protocol for Non-voting Co-opted Members as agreed by the Standards Committee on 10th March 2025.

4. Reasons for decision

- 4.1 The Council recognises the valuable contribution that co-optees can make to the scrutiny process. Paragraph 3.1 of Part Four, Section G (Overview & Scrutiny Procedure Rules) of the Council's Constitution states that each Scrutiny Panel shall be entitled to appoint up to three people as non-voting co-optees.

5. Alternative options considered

- 5.1 The Panel could decide not to make any new appointments to its membership.

6. Background Information

- 6.1 Within the current structure of scrutiny in Haringey, there is one overarching Overview and Scrutiny Committee and four advisory panels, these being:

- Adults & Health
- Children & Young People
- Climate, Community Safety & Environment
- Housing, Planning & Development

6.2 The specific functions for any Scrutiny Panels established is outlined in Article 6 of the Constitution at 6.3 (b) and 6.3 (c). The procedure by which this operates is detailed in the Scrutiny Protocol:

- The OSC shall establish four standing Scrutiny Panels, to examine designated public services.
- The OSC shall determine the terms of reference for each Scrutiny Panel.
- If there is any overlap between the business of the Panels, it is the responsibility of the OSC to resolve the issue.
- Areas which are not covered by the four standing Scrutiny Panels shall be the responsibility of the main OSC.
- The Chair of each Scrutiny Panel shall be a member of the OSC, as determined by the OSC at its first meeting.
- It is intended that each Scrutiny Panel shall be comprised of between 3 and 7 backbench or opposition members and be politically propionate as far as possible.
- Each Scrutiny Panel shall be entitled to appoint up to three non-voting co-optees. The Children and Young People's Scrutiny Panel membership will include the statutory education representatives of OSC.

6.3 Haringey Council's Protocol for Non-voting Co-opted Members states that "Non-voting co-optees are intended to bring an additional element of external challenge to the work of the scrutiny panels. By bringing a diverse spectrum of experience and adding a different perspective to many items, they are expected to add value to scrutiny by performing the following roles:

- To act as a non-party political voice for those who live and/or work in Haringey; and
- To bring specialist knowledge and/or skills to the Overview and Scrutiny process and bring an element of external challenge by representing the public.

6.4 It is expected that appointed non-voting co-optees will:

- Attend formal meetings of the Panel, which are usually held in the evening.
- Attend additional meetings and evidence gathering sessions such as site visits.
- Prepare for meetings by reading the agenda papers and additional information to familiarise themselves with the issues being scrutinised.
- Prior to meetings consider questions they may wish to put to Cabinet Members, officers, and external witnesses.
- Help the Panel to make practical suggestions for improvements to services.
- Assist in the preparation of reports and the formulation of recommendations.
- Contribute to the development of the annual scrutiny work programme.

- Establish good relations with members, officers and other co-optees.
- Abide by the relevant sections of the Council's Constitution in terms of the rules and procedures for Overview and Scrutiny; and
- Keep abreast of key issues for the authority and bear these in mind when scrutinising services and making recommendations for improvement.

- 6.5 Evelyn Trimingham met with the Chair of the Panel in July 2024 to discuss her relevant skills, knowledge and expertise, the role of the Scrutiny Panel and the importance of Adults and Health services to the residents of the borough. She is a member of the Housing Ombudsman Resident Panel and Chair of the Parent/Carer Panel for Haringey Family Hubs and describes these roles as helping to bring forward the voices of residents, ensuring that their needs are met with effective and empathetic solutions and shaping services that directly impact our community.
- 6.6 The appointment of Non-voting Co-opted members requires formal approval by the Panel and their role is guided by the Protocol for Non-Voting Co-opted Members.
- 6.7 Should the Panel approve Evelyn Trimingham's appointment, this would bring the number of Non-voting Co-opted members of the Panel to two out of a possible maximum of three. The Panel's other Non-voting Co-opted member is Helena Kania, who has contributed to scrutiny in Haringey since 2003.
- 6.8 Revisions to the Protocol for Non-voting Co-opted Members was revised by the Standards Committee in March 2025 and Scrutiny Panels will need to be mindful of the updated Protocol as part of the process for appointing Non-voting Co-opted Members for the 2025/26 municipal year.

7. Statutory Officers Comments

Legal

- 7.1 Under Section 21 (6) of the Local Government Act 2000, an Overview and Scrutiny Committee has the power to appoint one or more sub-committee to discharge any of its functions. The establishment of Scrutiny Panels by the Committee falls within this power and is in accordance with the requirements of the Council's Constitution.
- 7.2 The Local Government Act 2000 made provision for the co-option of non-elected members to Overview and Scrutiny to bring additional expertise and skills to scrutiny work and to increase public engagement with scrutiny.

Equality

- 7.3 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

7.4 The Panel should ensure that it addresses these duties by considering them within its work programme as well as individual pieces of work.

8 Use of Appendices

- 8.1 APPENDIX A – Report to Standard Committee, 10th March 2025
APPENDIX B - Protocol for Non-voting Co-opted Members (March 2025)

Report for: Standards Committee 10th of March 2025

Title: Non Voting Co-opted Members Protocol and Subsequent Changes to the Council's Constitution

Report Authorised by: Ayshe Simsek – Democratic Services and Scrutiny Manager

Lead Officer: Ayshe Simsek, Democratic Services and Scrutiny Manager
ayshe.simsek@haringey.gov.uk, 020 8489 2929

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non Key Decision

1. Describe the issue under consideration

To consider an updated protocol on non voting co-opted member appointments to ensure the process is robust and transparent as possible to maintain the integrity and core functions of scrutiny.

- 1.1 This is a need to update protocol to ensure that the recruitment process is as robust as possible given the access the non – voting co – opted roles offer to elected councillors and senior officers.
- 1.2 The protocol has been updated following consideration at Constitution Working Group and is attached for approval by the Standards Committee in accordance with their responsibilities for maintaining high standards of conduct and considering amendments to the Constitution and recommending proposals to full council for approval.
- 1.3 The updated protocol attached at Appendix 1 responds to observations and comments made by the Constitution Working Group at meetings between November and late February as outlined in paragraph 6.5.
- 1.4 There are also subsequent changes needed to the Overview and Scrutiny Procedure Rules, Part 4 Section G, outlined at Appendix 2 and Overview and Scrutiny Protocol outlined at Appendix 3.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

- 3.1 To agree the Non – voting co-opted Member protocol at Appendix 1 for implementation and publication on the Council's website.

- 3.2 To consider the required changes to the Overview and Scrutiny Procedure Rules, Part 4 Section G, arising from the discussions at the Constitution Working Group in relation to the non voting co-optee protocol and specifically that the decision making is assigned to the Overview and Scrutiny Committee .To further recommend this change outlined at Appendix 2 to the Full Council meeting on the 24th of March 2025.
- 3.3 To note the required changes to the Overview and scrutiny Protocol outlined at Appendix 3.

4. Reasons for decision

The protocol was last updated in January 2021 and given the continuing increased profile of the Council in the community following Covid to fully ensure that access, via this role, to the democratic process has safeguards in place to maintain the principles of the scrutiny function.

5. Alternative options considered

None – to not update the protocol would not be in keeping with good governance principles.

6. Background information

- 6.1 To note that the Standards Committee, terms of reference includes promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives; assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct.
- 6.2 In relation to scrutiny, the Local Government Act 2000 made provision for the co- option of non-elected members to Overview and Scrutiny to bring additional expertise and skills to scrutiny work and to increase public engagement with scrutiny. This is also covered within the Council's Constitution under the Section G (3.1) of the Overview and Scrutiny Procedure Rules. The Panel meetings are not decision making meetings and will usually be compiling scrutiny reviews for agreement by Overview and Scrutiny and then for onward approval by the Cabinet. Agreement on issues in scrutiny panel is reached by consensus and there has not been an occasion where a vote was required to test this issue.
- 6.3 In January 2021 the Standards Committee agreed a protocol on non – voting co-opted members which put in place in the process for recruitment , completion of register of interest form and made clear adherence to the Member Code of Conduct.
- 6.4 In light of expressed need from Scrutiny members to increase the community voice on Panel meetings , there has been increased interest in the non – voting co-opted roles . The Panels can appoint up to 3 non-voting members and nominations can come forward from established

community groups or be individuals that provide additional expertise and skills.

6.5 The Constitution Working Group have considered and worked on the changes to the Protocol between November and late February and the document responds to the following observations and comments:

- Clarity that the Overview and Scrutiny Committee appoint the non – voting co-opted members and this seems in keeping with the provision that the parent committee makes these appointments as the Scrutiny Panels do not have any decision making abilities.
- Guarding against strong political or personal motivations overtaking discussions at meetings and maintaining the integrity of scrutiny.
- With regards to the term of office, adding in wording to include consultation with the chair of Overview and Scrutiny Committee in taking forward any recommendations on changes to membership during the year. Adding in wording make sure that the process is fair and noting the process for complaint about this.
- Important for individuals that have a conflict of interest or who are in litigation with the Council to not sit on Panels.
- The need for the protocol to protect council business from being taken over by individual issues, deter fixation on specific issues by individuals at Panel meetings, and for there to be a separation of the policy and service delivery.
- Need to include the Chair of Overview and Scrutiny in the recruitment process and decision making on the appointments.
- Providing the ability to Overview and Scrutiny Committee to review the criteria for participating in the Panel meetings.
- Checking if the Standards complaints process applies to non-voting co-opted members. (This does not and non voting members can only be requested to follow this)
- Ensuring this is an annual process and not a carryover of previous decisions on appointments.
- Providing the ability to the Scrutiny Panel to evaluate and advise if the appointment is not conducive and supporting scrutiny work plan and responsibilities.
- The 2000 Local Government Act does not prescribe a number of non-voting co-optees and subsequently noted that this number seems to be applied by other London boroughs.
- importance of advertising the roles and suggested that this could be done in the period between March and June each Municipal year

7. Contribution to strategic outcomes

The Council's Constitution supports the governance of the Council and its

Decision making thereby assisting the Council to meet its strategic outcomes.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

- 8.1 There is no payments for non - voting co-opted members and no financial implications.

Legal

- 8.2 Legal comments are contained within the report

Equality

- 8.3 Equalities duties are adhered to in the recruitment process for co-opted members.

9. Use of Appendices

Appendix 1 – updated non voting co-optee protocol

Appendix 2 Overview and Scrutiny Procedure rules

Appendix 3 - Overview and Scrutiny Protocol

10. Local Government (Access to Information) Act 1985

Council Constitution

1972 Local Government Act

Local Government Act 2000

Protocol for Non - Voting Co-opted Members – March 7, 2025

Introduction

- 1.1 The primary purpose of establishing a protocol for the co-option of non-statutory, non-voting Scrutiny members is as follows:
 - To set out how the appointment and role of non- voting Scrutiny Panel members is taken forward.
- 1.2 Each Scrutiny Panel is entitled to have up to three non-voting co-optees to assist Scrutiny with its work, who will be approved by the Overview and Scrutiny Committee on an annual basis. Non-voting co-optees are intended to bring an additional element of external challenge to the work of the Scrutiny Panels. By bringing a diverse spectrum of experience and adding a different perspective to many items, they are expected to add value to Scrutiny by performing the following roles:
 - To act as a non-party political voice for those who live and/or work in Haringey; and
 - To bring specialist knowledge and/or skills to the Overview and Scrutiny process and bring an element of external challenge by representing the public.
- 1.3 For the purposes of this protocol, the term 'Co-opted members/Co-optees' refers to Co-opted non-statutory, non-voting Scrutiny members. Sections 2.4, 3, 4 and 5 of this protocol could also be applicable to Standards Committee which is also able to appoint up to 6 non-voting co-opted members as set out in the Constitution at Article 9 - paragraph 9.02.

2. Non - Voting Co-opted members

- 2.1 Most members on Scrutiny Committees are elected members and voting co-opted members, although provision is available for Overview and Scrutiny to appoint up to three co-optees to each Scrutiny Panel. The decision making on appointment of non – voting co-opted members should take place at the start of the Municipal year.
- 2.2 Non-voting Co-opted members will be an integral part of Scrutiny Panels and are able to contribute to questioning of witnesses and analysis of evidence. Scrutiny Panel chairs are advised to invite individuals who have specific and detailed knowledge of a particular issue to act as expert witnesses or independent external advisers instead of being applicable to the appointment process at section 3.5 below, as this will provide them with greater scope to contribute to evidence received by panels.
- 2.3 It is expected that appointed non-voting co-optees will:
 - Attend formal meetings of the Panel, which are usually held in the evening.
 - Attend additional meetings and evidence gathering sessions such as site visits.
 - Prepare for meetings by reading the agenda papers and additional information to familiarise themselves with the issues being scrutinised.

- Prior to meetings, consider questions they may wish to put to Cabinet Members, officers, and external witnesses.
- Help the Panel to make practical suggestions for improvements to services.
- Contribute to the preparation of reviews and the formulation of recommendations.
- Contribute to the development of the annual Scrutiny work programme.
- Establish good relations with members, officers and other co-optees.
- Abide by the relevant sections of the Council's Constitution in terms of the rules and procedures for Overview and Scrutiny; and
- Keep abreast of key issues for the authority and bear these in mind when scrutinising services and making recommendations for improvement.
- Attend training sessions conducive to their Scrutiny role

2.4 Non-voting co-opted members should also note the following:

- Co-optees on Scrutiny Panels will have no voting rights.
 - Each co-opted member will be appointed for a period of one year by the Overview and Scrutiny Committee, at their first meeting of the Municipal year. Subject to there being no issues regarding their membership, this will be reviewed on an annual basis by the Overview and Scrutiny Committee.
 - Employees and existing Councillors of Haringey Council are excluded from applying to be Co-optees.
- Co-optees are expected to act in accordance with the Member Code of Conduct.

2.5 Scrutiny involves working with councillors and officers as a critical friend in an unbiased and collaborative manner maintaining the shared focus of the Scrutiny Work Programme and the Panel's terms of reference. The expectation is that all participants in the panel meetings approach the agenda and work items with an open mind and avoid being influenced by party political or personal motivations.

2.6 The Overview and Scrutiny will have the authority to review and amend the criteria set out at paragraphs 2.3 and 2.4 to meet the needs of the Scrutiny work plan and ensure the Committee meets its statutory role and responsibilities, which may impact on the eligibility of non – voting co – optees to sit on the Panels.

3. Appointment process

- 3.1 Primarily, Scrutiny will seek nominations from established community groups that have a working relationship with the Council for non-voting co-optee positions. Where the Panel identifies that a non-voting Co-opted member maybe beneficial to the work of the Panel and its work programme for the coming municipal year. The Chair of Scrutiny and Panel Chair, supported with advice from Scrutiny Officers, will identify the appropriate community organisation to invite nominations for this role. The community groups will be known through established contact with the Council.
- 3.2 To aid understanding of the requirements for this public facing role, community groups include constituted and un-constituted not-for-profit groups, community organisations and registered charities who provide support to local people in Haringey.

3.3 Alternatively, where a particular experience/ expertise is required to assist the Panel for the duration of the municipal year, consideration can also be given to advertising the position on Council's website and social media.

3.4 Community organisations will be sent:

- Information on the role of Overview and Scrutiny non -voting co-opted members.
- Protocol for co-opted non-voting members
- Information on the relevant Scrutiny Panel, the Scrutiny Work programme, and the skills and experience being sought to allow the community organisation to identify the appropriate individual to nominate.

Where the Panel is seeking particular experience not available through contact with community organisations and the role is advertised, an application form will be sent to interested applicants. This will include a number of questions that have been devised by the Chair of Overview and Scrutiny, the Panel Chair and Scrutiny Officers which will draw out the experience, community involvement and expertise needed for participation in this role.

Recruitment Process for Scrutiny Panel non – voting co-opted members

3.5 The Scrutiny Panel Chair, in consultation with the Overview and Scrutiny Chair, along with relevant Scrutiny officer will shortlist suitable candidates that have been considered from community groups or who offer particular expertise and experience. This will include an assessment against the Scrutiny Work Plan, their role in the community and the criteria at section 2.3 above. Applicants will also be asked to attend a short interview with the Chair of Overview and Scrutiny and Panel Chair with officers present. Prior to the interview, they will need to provide two references, including one from the community organisation that they are representing to evidence participation with the community group. The reference checks will be completed by the Human Resources Compliance Team prior to the appointment report being considered by the Overview and Scrutiny Committee.

3.6 Given that applicants will likely be living or working in the borough and in use of Council services, internal references may be sought and the stipulations listed below will apply, prior to appointment. This is to ensure that legal requirements and Member Code of Conduct can be adhered to.

Stipulations: applicants are to note that:

- Where they have been in contact with the Council and are subject to actions arising from the requirements of the Council's Unreasonable Behaviour Policy or are known to the Council as a Person of Concern, they will not be eligible to apply.
- Where they had contact with the Council services and are deemed vexatious, abusive, offensive, they will not be eligible to apply.
- Where they are involved in legal proceedings with the Council, they will not be eligible to apply for a position until completion of the proceeding

- Where the applicant has an ongoing dispute against the Council, they will not be eligible until resolution of the issue.
- 3.7 Further to the above requirements being met, there will be a discussion with the relevant Director of the service and Democratic Services Manager on the planned appointment to ensure there is no conflict of interest and that the due diligence has been completed on the appointment process as outlined above.

4. Term of office

- 4.1 According to the recruitment process at section 3.5, non-voting co-opted members will be appointed for the duration of the Municipal year and the Overview and Scrutiny Committee will annually review their membership according to consideration of their work plan.
- 4.2 Any non-voting co-opted members shall be appointed at the first Overview and Scrutiny Committee meeting of each Municipal year. A report shall be made to this meeting that specifies how they will add value to the work of the Panel and, in particular, the specialist knowledge and/or skills that the proposed non-voting co-optees will provide; and the basis on which they can represent the local community and articulate their concerns.
- 4.3 Co-optees may terminate their membership by giving one month's notice to the Democratic and Scrutiny Team Manager.
- 4.4 If during the municipal year, a non-voting co-opted member is deemed by the Chair of the Scrutiny Panel (with advice from the Overview and Scrutiny Chair) to not be carrying out their role in accordance with the criteria set out at 2.3, the Panel can recommend to the Overview and Scrutiny Committee that a decision report is taken forward to remove the non – voting member from the Panel membership. This is to maintain the integrity of the Scrutiny function of the Council. In making such a recommendation, consideration will be given to the extent to which the non-voting co-optee was unable or prevented from supporting the Panel's work.
- 4.5 A complaint about the procedure followed in 4.4 can be taken forward if required, which would be through the Council's Complaints Procedure and subsequently through the Local Government and Social Care Ombudsman process.

5. Code of Conduct

- 5.1 Non-voting co- opted members, are invited to sign the Council's code of conduct which sets out the standards of behaviour expected before the Overview and Scrutiny Committee that appoints them.

- 5.2 Non – voting co-optees must also sign a declaration of interest form identifying any interests which an individual may have which require recording. Advice will be provided on these requirements.

Induction, training and ongoing support

- 5.3 Non-voting co-optees will receive an individual induction prior to attending their first Scrutiny meeting.
- 5.4 The induction will involve meeting with the Chair of the Panel they are joining and the Scrutiny officer responsible for the Panel.
- 5.5 Non-voting co-optees are voluntary positions and there is no allowance provision for this role.

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