

**Report for:** Standards Committee – 2 November 2020

**Title:** Co-opted Members – Update Report

**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 update on co-opted member appointments and respond to questions in the previous report on co-opted members on:

- 1.1 Non – voting co-opted members on scrutiny panels and the completion of a declaration of interest form.
- 1.2 Appointment of religious representatives on Overview and Scrutiny.
- 1.3 Exploring the the co-opted membership process in order to ensure clarity around the role of co-opted members with voting rights.

**2. Cabinet Member Introduction**

Not applicable

**3. Recommendations**

- 3.1 To note the information contained in the report and comment on any further actions.

**4. Reasons for decision**

To respond to a request for this information from Standards Committee members and to improve understanding of these roles, allowing any comments/ issues to be raised.

**5. Alternative options considered**

None – this is an information report and information has been obtained from the constitution and legislation.

## 6. Background information

- 6.1 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 response to the question highlighted at paragraph 1.1, non – voting co-opted members that have no voting rights are usually appointed for their expert / experienced advice in supporting a particular scrutiny panel. The Constitution at Part 5 , Member Code of Conduct, classifies a "member" as meaning an elected member and a co-opted member. It explains that "a co-opted member is a person who is not an elected member of the Council but who has been appointed to a committee or subcommittee of the Council or represents the Council on a joint committee or joint sub-committee of the Council and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee." According to this , a non – voting co-opted member is not a 'Member' and is not required to complete a declaration of interest form. This is in keeping with the past practice.
- 6.3 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. These 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 on a matter. As a way forward the Democratic Services team can consider having in place an annual review of these panel appointments to ensure that the co-opted member's expertise is still relevant to the work plan and whether additional co-opted member time limited support is required for a particular review. The current non – voting co-opted members on Environment and Community Safety and Adults and Health Scrutiny panel representatives provide expertise in their community support roles in Neighbourhood Watch and as Chair of the Link Network. These are established and recognised community groups in the borough which represent residents that the council works with. We will write to these non – voting co-opted members on an annual basis to establish that they still represent these organisations and want to continue on the scrutiny panel.
- 6.4 With regards to the issues at 1.2 and 1.3, voting Co-opted Members of Overview and Scrutiny, the principles (a) , (b) and (d) of the Local Government and Housing Act 1989 on political proportionality apply to the Overview and Scrutiny Committee by virtue of section 9FA(6)(b) of the Local Government Act 2000. However, because the Committee is established under the Local Government Act 2000, it is not an ordinary

committee appointed under section 102 of the Local Government Act 1972 and so it is not included in the political balance calculations for the total number of seats on ordinary committees (principle c). As such, the Overview and Scrutiny Committee must be balanced, but on an individual basis.

- 6.5 It should be emphasised that Overview and scrutiny strives to agree on recommendations by consensus and voting is rare and generally avoided where possible. There have nevertheless been votes from time-to-time at the Overview and Scrutiny Committee but only a very small number of these have related to education issues and normally only in the course of considering a Call-in.
- 6.6 To outline further, Scrutiny bodies whose terms of reference relate wholly or partly any education functions that are the responsibility of a local authority's Executive are statutorily required to include a number of voting co-opted Members within their membership. The scrutiny bodies that this applies to in Haringey are the Overview and Scrutiny Committee and the Children and Young People's Scrutiny Panel. Such voting co-optees are entitled to vote on any question that relates to any education functions that are the responsibility of the Cabinet.

Voting co-opted Members fall into two categories:

- Parent governor representatives; and
- Diocesan representatives.

- 6.7 Each local authority is required is required to appoint at least two but not more than five parent governor representatives. They are elected by all parent governors within the area. The process for this is outlined in the Parent Governor Representatives (England) Regulations 2001 and is carried out by the authority wishing to co-opt them. Haringey currently has two Parent Governor representatives and they were both elected in October 2018. Their term of office is two years ended in October 2020 and following an election process we have two new parent governors starting in November Priya Kanu and Anita Jaku.
- 6.8 The current system in respect of diocesan representatives was inherited by overview and scrutiny from education committees (Education Act 1996). These were required to appoint diocesan representatives with voting rights from the Church of England and the Roman Catholic church. The rationale for this was the role that the dioceses played in education through voluntary aided schools. When overview and scrutiny was established, these rights transferred over (Local Government Act 2000). In Haringey, there are currently two diocesan representatives - one Church of England and one Catholic. Representatives are appointed by the relevant Diocese and the Council has no role in this process.
- 6.9 Overview and scrutiny committees can appoint co-optees from other faiths groups on a non-voting basis and the Chair of Overview and Scrutiny has asked the team to take this forward and we are exploring a fair, equal and vetted process to allow this. The Act also makes provision for the

Secretary of State to make directions obliging an authority to have voting representatives of other faith groups. This could, in theory, be considered by the Secretary of State where there were schools run by other faiths that were maintained by the authority. However, there are currently no examples of such directions having been made.

## **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 Payment of voting co-opted members is contained within the Democratic Services budget.

### 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**

None

## **10. Local Government (Access to Information) Act 1985**

Council Constitution

1972 Local Government Act