

Report for: Standards Committee – 25 January 2021

Title: Co-opted Members – Update Report

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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 resolutions by Standards Committee on:

- Other councils' procedures for the interests of non-voting co-opted members
- proposed wording in the revised Scrutiny protocol, with a view to encouraging non-voting co-opted members to complete declaration of interest forms.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

- 3.1 To consider the attached draft protocol for appointment of non-voting co-opted members and provide comments.

4. Reasons for decision

To respond to resolutions from Standards Committee in November.

5. Alternative options considered

To not comment on the protocol which would not be in line with the resolutions of the previous meeting.

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 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 on a scrutiny panel is reached by consensus and there has not been an occasion where a vote was required on a matter. Following Standards Committee comments, the Overview and Scrutiny Proctol is being updated for approval in March to include more detail on the appointment of non – voting copted members and to provide assurance on their role and contributions to scrutiny work plan. There is further attached a seperate protocol at appendix 1 which sets out in more detail the role and expectations of a non voting co-opted member and can be added as an annex to the Scrutiny Protocol.
- 6.4 Further to contacting colleagues at neighbouring councils in London the general practice is to require all co-opted members to complete a register of interest form and this requirement is also included in the attached protocol.
- 6.5 Overview and Scrutiny committees can also 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. The attached protocol at appendix 1 can support and guide this process.
- 6.6 The protocol can also be referred if Standards committee wish to, in future, appoint any non voting co-opted members.

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