

Report for: Standards Committee 10th of March 2025

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

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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 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