

Overview and Scrutiny Management Board

17 February 2014

Review of Overview and Scrutiny Co-optee Arrangements



Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of Report

- 1 To present to the Overview and Scrutiny Management Board a proposal for reviewing the Council's Overview and Scrutiny Committee non-voting co-optee arrangements.

Background

- 2 The Centre for Public Scrutiny publication "Pulling it all together" sets out the legislative framework which has led to the development of co-option within Overview and Scrutiny since 2000. This can be summarised thus:-

LEGISLATION	CO-OPTION DEVELOPED
Local Government and Housing Act 1989	Section 13 allows the appointment of non-voting co-optees onto Council Committees
Education Act 1996	Section 499 makes provision for the appointment of various statutory education co-optees, to sit on the council's education committee.
Local Government Act 2000	Established Overview and Scrutiny and Section 9FA, (Subsections 4 and 5) states that OSCs may co-opt members from outside the authority (as non-voting members) Parent Governor Representatives (England) Regulations 2001 (SI 2001/478) (PGR 2001) Requirements (clause 3) – LEAs should appoint at least two and not more than 5 PGRs to "each of their education OSCs".
Health and Social Care Act 2001 and associated guidance	Enabled Local Authorities with Social Care responsibilities to co-opt District Council members onto their Health Scrutiny Committees.
Police and Justice Act 2006 and the subsequent Crime and Disorder (Overview and Scrutiny) Regulations 2009	Clause 3 – Crime and Disorder Scrutiny Committees may co-opt representatives of CDRP partners as non-voting members of the committee.

Current Position

- 3 Set against this legislative backdrop and in accordance with the Overview and Scrutiny procedure rules contained in the Council's Constitution, each of the Council's Scrutiny Committees, (excluding Corporate Issues Overview and Scrutiny Committee) is entitled to appoint a maximum of six people as non-voting co-optees either as standing members of the Committee or on a time limited basis. The selection and nomination of co-opted members is undertaken in accordance with the protocol agreed by the Overview and Scrutiny Management Board.
- 4 In addition, the Overview and Scrutiny Management Board and each relevant Scrutiny Committee dealing with education matters is required to include in its membership the following voting representatives:
 - (a) 1 Church of England diocese representative;
 - (b) 1 Roman Catholic diocese representative; and
 - (c) 3 parent governor representatives (the Council has experienced difficulties in appointing PGR representatives with only one of these vacancies currently filled).
- 5 A relevant Scrutiny Committee in this paragraph is a Scrutiny Committee of a Local Education Authority, where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive.
- 6 In addition Safer and Stronger Communities Overview and Scrutiny Committee has in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, the ability to co-opt employees or officers of a responsible authority or of a co-operating person or body.

Next Steps

- 7 Overview and Scrutiny co-optee arrangements were last refreshed in 2009 with the most recent appointments due to end on 31 March 2014 pending a review of these arrangements in the coming weeks.
- 8 As part of this process the Chair and Vice Chair of Overview and Scrutiny Management Board will be having discussions with the appropriate Chairs and Vice Chairs of the various Overview and Scrutiny Committees within the next couple of weeks to determine their views. Also discussions will be held with the leaders of minority political groups serving on the Overview and Scrutiny Management Board.
- 9 Existing non-voting co-optees will shortly receive a letter from the Chair of Overview and Scrutiny Management Board referring to the refresh of the co-optee arrangements and asking them to indicate whether they would wish to be considered for a further term of office under the new arrangements.
- 10 In order to facilitate the review and enable appointments timeframes to be established, it is suggested that the existing co-optees terms of office be extended to the Annual Meeting of the Council on 21 May 2014.

Recommendation

- 11 Members of the Overview and Scrutiny Management Board are recommended to:
- a. Agree to the review of the current non-voting co-optee arrangements.
 - b. Receive at the next meeting of the Overview and Scrutiny Management Board a further report outlining proposals for the review of the non-voting co-optee appointment arrangements.
 - c. Agree to the extension of the current non-voting co-optee terms of office until Annual Council meeting on 21 May 2014.

Background papers

- Centre for Public Scrutiny – ‘Pulling it all together’ report 2012

Contact: Jenny Haworth, Head of Planning and Performance
Tel: 03000 268071
Author: Stephen Gwilym, Principal Overview and Scrutiny Officer
Tel: 03000 268140

Appendix 1: Implications

Finance – None

Staffing - None

Risk - None

Equality and Diversity/Public Sector Equality Duty - None

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation - None

Procurement - None

Disability Issues - None

Legal Implications - None