

Overview and Scrutiny Management Board

22 March 2016



Appointment of non-statutory, non-voting Overview and Scrutiny Co-optees

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of Report

- 1 To request the Overview and Scrutiny Management Board to re-appoint the current serving non-statutory, non-voting co-optees for a further 2 years.

Background

- 2 Members will recall that in early 2014 a fundamental review of the arrangements for the appointment of non-statutory, non-voting co-optees to the Overview and Scrutiny function within Durham County Council was undertaken.
- 3 The review of the appointment arrangements was undertaken in accordance with the protocol for the co-option of non-statutory, non-voting scrutiny members which was refreshed for the appointment process in 2014 and is attached as Appendix 2 for member's information.
- 4 Following the completion of the appointment process in June 2014, 10 non-statutory, non-voting co-optees were appointed to the 5 relevant Overview and Scrutiny Committees (2 per committee) for a period of 2 years.

Current co-optee position

- 5 In addition to non-statutory, non-voting co-optees, the Overview and Scrutiny Management Board and each relevant Scrutiny Committee dealing with education matters (Children and Young People's Overview and Scrutiny Committee) is required under the Local Government Act 2000 to have faith representative co-optees, who have voting rights in relation to educational matters. These co-optees are appointed by the relevant Diocesan Education Board. The requirements for faith representative co-optees for both committees are:
 - 1 Church of England diocese representative
 - 1 Roman Catholic diocese representative
- 6 The Local Government Act 2000 also requires that the Overview and Scrutiny Management Board and each relevant Scrutiny Committee dealing with education matters (Children and Young People's Overview and Committee) have Parent Governor Representatives serving with the appointment process contained within the Parent Governor Representatives (England) Regulations

2001. There is provision for up to 3 Parent Governor Representatives on each committee however the Council has experienced difficulties in appointing with only one of these vacancies currently filled.

- 7 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 requires that the designated Crime and Disorder Committee for the purposes of part 3 of the Police and Justice Act 2006 (Safer and Stronger Overview and Scrutiny Committee) consider appointing additional co-optees. These co-optees can be employees or officers of a responsible authority or of a co-operating person or body and will not be entitled to vote unless the committee determines otherwise. Currently the Safer and Stronger Overview and Scrutiny Committee co-opt an officer from Durham Constabulary and County Durham and Darlington Fire and Rescue Service.
- 8 Under the provisions of the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013, a new Public Health “Watchdog” was set up, Healthwatch England. In response to the establishment of local Healthwatch organisations, the Adults, Wellbeing and Health Overview and Scrutiny Committee, in developing its relationship with County Durham Healthwatch (CDH), agreed to co-opt a representative of CDH to the committee.

Non-statutory, non-voting co-optees – current position

- 9 Since the appointment of non-statutory, non-voting co-optees in June 2014 only one vacancy has occurred on the Economy and Enterprise Overview and Scrutiny Committee in 2015 which was filled in accordance with the protocol for the co-option of non-statutory, non-voting co-optees (Appendix 2).
- 10 The term of appointment for the nine co-optees appointed in 2014 will come to an end in June 2016. It is therefore recommended that in order to keep continuity of expertise the Overview and Scrutiny Management Board in accordance with paragraph 5 of the attached protocol for the co-option of non-statutory, non-voting co-optees extend the term of appointment for a further 2 years. A full review of co-optee membership would then be undertaken in 2018.

Next steps

- 11 Should the extension to the term of appointment be agreed by the Overview and Scrutiny Management Board then current serving non-statutory, non-voting co-optees would be contacted to ascertain whether they are interested in serving for a further 2 years. Those non-statutory, non-voting co-optees who do wish to serve for a further 2 years would then automatically be re-appointed.
- 12 Should any current serving non-statutory, non-voting co-optees wish to resign then it is proposed that we would use AAPs and the Council’s website to notify local communities of any vacancies with any subsequent appointments made via formal interviews in accordance with the protocol for the co-option of non-statutory, non-voting co-optees.

- 13 All non-statutory, non-voting co-optees will be appointed to the appropriate Overview and Scrutiny Committees by June 2016.

Recommendation

- 14 Members of the Overview and Scrutiny Management Board are recommended to:
- (a) Agree the extension of the term of appointment of existing non-statutory, non-voting co-optees for a further 2 years in accordance with paragraph 5 of the attached protocol (Appendix 2).
 - (b) Agree that a fundamental review of the appointment arrangements for non-statutory, non-voting co-optees be undertaken in 2018.

Background papers

Review of Overview and Scrutiny Co-optee Arrangements – OSMB Report – 17 February 2014 and 25 March 2014.

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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