

Report to the Overview & Scrutiny Committee



Date of meeting: 19 November 2019

SCRUTINY



Subject: Select Committees - Co-option of Independent Members

Responsible Officer: S. Tautz (01992) 564180

Democratic Services: G. Woodhall (01992) 564470

Recommendations/Decisions Required:

- (1) That the Committee note the current arrangements for the co-option of independent members to the Council's overview and scrutiny committees; and**
- (2) That a report be made to a future meeting of the Committee with regard to proposals for the adoption of selection criteria for the co-option of independent members to the Council's overview and scrutiny committees.**

Background

1. At a recent joint meeting, the chairmen and vice-chairmen of the Committee and each of the select committees noted current arrangements for the co-option of independent members to the Council's overview and scrutiny committees.
2. The co-option of non-elected individuals to membership the Council's committees etc, in a non-voting capacity, can allow the knowledge of such committees to be broadened and provides an opportunity for community engagement in the democratic process. Co-opted members can be a valuable part of the overview and scrutiny process, bringing diverse experience and adding a different perspective to debate. Co-optees can also add value to the scrutiny process by seeing services from a customer perspective and acting as a channel for questions from outside the authority.
3. The role of co-optees is to constructively challenge the Council. Co-optees are more removed from the council as an organisation than elected members and therefore in a good position to challenge officers on service or performance issues. Co-opted members can also therefore assist in the holding of elected members to account.
4. However, it is important that co-opted members of a committee should be able to represent specific areas of interest or issues requiring consideration and are appointed on the basis of their level of knowledge and experience of relevant issues, so that they are able to make informed contribution to debate and the consideration of recommendations or decisions.
5. The role and responsibilities of co-opted members are generally to:
 - read agenda and attend relevant meetings;
 - play an active role in contributing to debate on policy development;
 - report back to any group that they represent and bring back their concerns and

- observations, consulting with groups to ensure that proposed policies or reviews reflect their concerns;
 - have an interest in local government and an understanding of where overview and scrutiny fits into the council structure;
 - attend and participate in relevant training;
 - make a full contribution to debate on all matters, not just those within their specialist areas; and
 - raise issues for consideration.
6. The Council currently appoints independent members to the Audit and Governance Committee. In addition, individuals appointed as independent persons pursuant to the standards regime are appointed as independent members of the Standards Committee and independent members comprise (in its entirety), the Remuneration Panel. Formal recruitment and selection procedures are in place for the appointment of independent members to each of these existing positions.

Select Committees - Co-opted Members

7. An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority. The Constitution (Article 6 – Overview and Scrutiny) provides that the Overview and Scrutiny Committee shall be entitled to recommend to the Council the appointment of appropriate persons as non-voting co-optees. Although Article 6 of the Constitution is silent as to arrangements for the appointment of non-voting co-optees on the select committees, this is the process that was followed in May 2017 for the appointment of representatives of Epping Forest Youth Council to membership of the former Communities Select Committee.
8. Under the former select committee regime, the Chairman of the Epping Forest Tenant's and Leaseholders Federation (now the Tenant's and Leaseholders Forum) was an active co-opted member of the former Communities Select Committee. Arising from the introduction of new select committee arrangements from the commencement of the current municipal year, the Service Director (Housing and Property Services) has suggested that the Chairman of the Forum should now be co-opted onto the new Stronger Communities Select Committee, as the Forum have an interest in matters affecting housing, housing development and housing performance. Similarly, it is understood that Epping Forest Youth Council is keen to secure co-opted membership of the new stronger Communities Select Committee.
9. In view of the adoption of the new framework of select committees from the commencement of the current municipal year, it is suggested that a report be made to a future meeting of the Committee with regard to proposals for the adoption of appropriate selection procedures and criteria for the co-option of independent members to the Council's overview and scrutiny committees.
10. The adoption of relevant selection procedures and criteria would bring the co-option of independent members for the select committees into line with existing arrangements applied to the Audit and Governance Committee, the Standards Committee and the Remuneration Panel. This approach would also ensure that co-opted members of a committee are able to represent specific areas of interest and are appointed with regard to knowledge and experience of relevant issues, particularly in view of the widening of the scope of responsibilities of each of the new select committees and the overlap of some areas of responsibility between the committees.

Co-opted Members - Allowances

11. At their recent joint meeting, the chairmen and vice-chairmen of the Committee and the select committees also requested that consideration be given to the application of an allowance for co-opted members of the select committees. The Local Authorities

(Members' Allowances) (England) Regulations 2003 require all local authorities to establish and maintain an advisory independent Remuneration Panel to review and provide advice on members' allowances. All Councils are required to convene their Panel and seek its advice before making any changes or amendments to adopted allowances schemes and must 'pay regard' to any recommendations of the Panel before setting a new or amended Members' Allowances Scheme.

12. The Members' Allowances Scheme for the current municipal year, which was adopted by the Council at its meeting on 20 December 2018 on the recommendation of the Remuneration Panel, provides for the application of an annual allowance of £500.00 for co-opted independent members of an overview and scrutiny committee, including the new select committees.
13. The annual allowance applies only to co-opted members of an overview and scrutiny committee appointed by the Council and does not apply to any persons (including residents, stakeholders, and members and officers of other organisations etc.) invited to address an overview and scrutiny committee or to discuss issues of local concern.

Resource Implications:

The recommendations of this report seek to enable scrutiny activity to more effectively meet work programme requirements.

The current Members' Allowances Scheme provides for the application of an annual allowance of £500.00 for co-opted independent members of an overview and scrutiny committee.

Legal and Governance Implications:

The Council's constitution sets out rules for the management of its overview and scrutiny responsibilities. The Overview and Scrutiny Committee is entitled (Article 6) to recommend to the Council the appointment of appropriate persons as non-voting co-optees on select committees.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation Undertaken:

Arrangements for the co-option of independent members to the select committees were considered at a joint meeting of the chairmen and vice-chairmen of the Committee and each of the select committees, held on 23 September 2019.

Background Papers:

None

Impact Assessments:

Risk Management

The Council's constitution (Article 6) sets out rules for the management of its overview and scrutiny responsibilities.

Equality:

There are no equality implications arising from the recommendations of this report.