

# **OVERVIEW & SCRUTINY COMMITTEES - CO-OPTION OF MEMBERS**

## **PROTOCOL**

### **1. INTRODUCTION**

- 1.1 The Local Government Act 2000 confers power on the Council to co-opt non-voting members to membership of its overview and scrutiny committees. The Council's Constitution reflects this legislative arrangement within Article 6 (Overview and Scrutiny) and, for the purposes of this Protocol, concerns the appointment of co-opted members to the Overview and Scrutiny Committee, Select Committees and any ongoing Task and Finish Panels.
- 1.2 The Council values input from others when considering issues that relate to services that it provides to residents of the Epping Forest District. Co-opted members are non-elected members, who are appointed where specialist input is required or where an outside view of the Council can be useful in guiding deliberations of the overview and scrutiny committees. Co-opted members make a valuable contribution to debate and discussion and help make decisions in relation to important matters.
- 1.3 The co-option of non-elected persons to the Council's overview and scrutiny committees, in a non-voting capacity, can allow the knowledge of such committees to be broadened and provide 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 scrutiny activity. Co-opted members can also add value to the scrutiny process by considering service provision from a customer perspective and acting as another channel for questions from outside the authority.

### **2. THE ROLE OF CO-OPTED MEMBERS**

- 2.1 The role of a co-opted member is to constructively challenge the Council. Co-optees are more removed from the Council as an organisation than elected members and are therefore in a position to challenge service or performance issues and assist in the holding of elected members to account.
- 2.2 Co-opted members should actively contribute to debate and discussion at meetings of overview and scrutiny committees to which they have been appointed to serve.

### **3. APPOINTMENT OF CO-OPTED MEMBERS**

- 3.1 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.
- 3.2 When considering whether to recommend the appointment of co-opted members to the Council, the Overview and Scrutiny Committee should consider all options available to the Select Committees and Task and Finish Panels to support scrutiny activity, including the calling of expert and other witnesses on a temporary basis or direct consultation with local communities or relevant organisations. In making a recommendation for the appointment of co-opted members to the Council, the Overview and Scrutiny Committee should consider the following matters in the context of the terms of reference of the relevant committee and its current work programme:

- the range of skills and knowledge the Committee will require to effectively conduct its work-programme;
  - the range of skills and knowledge that the existing (elected and co-opted) members of the committee are already able to offer;
  - any gaps in the required skills and/or knowledge that a co-opted member could fill;
  - whether the need for these skills and knowledge is time-limited and could alternatively be filled by the receipt of evidence from interested parties and expert witnesses, or whether the additional expertise of a co-opted member is required on an on-going basis;
- 3.3 It is important that co-opted members of an overview and scrutiny committees 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, discussion and the consideration of recommendations or decisions.
- 3.4 Overview and scrutiny committees may therefore invite non-voting co-opted members from a range of organisations, including local public, voluntary, private and community bodies, to serve on a committee (or any current task and finish panel) as considered appropriate.
- 3.5 It may also be appropriate for overview and scrutiny committees to invite individuals as co-opted members who have no connection with a particular organisation, but who have particular specialist knowledge and experience in matters to be considered by a committee. In any event, the purpose of co-option should be to add value to the work of the committee (or task and finish panel).
- 3.6 To inform the process of recommendation for appointment as a co-opted member, the Overview and Scrutiny Committee should:
- identify the range of experience, skills, knowledge and expertise required and seek nominations from organisations and individuals who demonstrate those requirements;
  - guard against seeking nominations from organisations or individuals with a single-issue perspective or personal agenda;
  - determine the number of appointments to be sought;
  - consider advertising for interest to serve as co-opted members;
  - identify organisations that could fill identified gaps in required experience, skills, knowledge and expertise;
  - consider approaching voluntary and community sector organisations to seek nominations where there is an identified need to balance membership to reflect the experience of all sectors of the community.
- 3.7 Appointment as a co-opted member will be for a period to be determined by the Overview and Scrutiny Committee but, in any event, may not be for a period exceeding the end of the current municipal year. Subject to annual review, co-opted members may be re-appointed for further period of one year if considered appropriate.
- 3.8 The Overview and Scrutiny Committee should consider and review the re-appointment of all co-opted members on an annual basis, although co-option may be considered at any time. If appropriate, existing co-opted members will usually be re-appointed to the relevant committee at the annual meeting of the Council.

- 3.9 In determining the number of co-opted members to be appointed to overview and scrutiny committees, the Overview and Scrutiny Committee should ensure that membership achieves a balance between the representative role of elected Members and the value that can be added through bringing a range of skills and perspectives to the work of overview and scrutiny committees.
- 3.10 No more than two non-voting co-opted members may be appointed to serve on any overview and scrutiny committee at any one time.
- 3.11 If a co-opted member fails (without the agreement of the Council) to attend a meeting of any overview and scrutiny committee to which they have been appointed throughout a period of six months, they will cease to be a co-opted member.

#### **4. THE QUALITIES OF CO-OPTED MEMBERS**

- 4.1 Co-opted members of an overview and scrutiny committee will be expected to demonstrate the following qualities:
- have an interest in local government and an understanding of where overview and scrutiny fits into the Council's structure;
  - effective communication skills, with the ability to listen and question effectively;
  - ability to interpret and assess information to identify issues and propose solutions;
  - ability to consider issues from a range of points of view and an open-minded approach;
  - ability to work co-operatively in both formal and informal settings; and
- 4.2 All co-opted members will be expected to demonstrate a commitment to improving outcomes for the district.

#### **5. THE EXPECTATIONS OF CO-OPTED MEMBERS**

- 5.1 Co-opted members of an overview and scrutiny committee are expected to:
- demonstrate a commitment to regularly attend meetings of any overview and scrutiny committee to which they have been appointed;
  - prepare in advance of a meeting, by reading published agenda and reports for each meeting of an overview and scrutiny committee to which they have been appointed;
  - contribute constructively towards debate and discussions at meetings of overview and scrutiny committees and play an active role in contributing to the development of policy on all matters, not just those within their specialist expertise;
  - bring specialist knowledge and/or skills to debate and discussion on relevant matters, particularly relating to any organisation that they represent;
  - bring an element of external challenge to the committee, through any representational role and by relating to issues as viewed by members of the public;
  - attend relevant development and training opportunities provided or facilitated by the Council, to support them in the undertaking of their role;
  - recognise that (where relevant) they are representing other organisations in carrying out their role as a co-opted member, reporting back to any such organisation and undertaking relevant consultation to ensure that decisions or proposed policies reflect identified concerns;

- be willing to share their knowledge and experience of relevant matters to be considered by an overview and scrutiny committee; and
- contribute to the process of identifying issues for consideration by overview and scrutiny committees; and
- promote awareness, understanding and interest in the work of the Scrutiny Committees;

5.2 Overview and scrutiny committees will take account of the views of co-opted members in reaching a decision or formulating recommendations on any particular issue.

## **6. SUPPORT FOR CO-OPTED MEMBERS**

6.1 On appointment, co-opted members will be given an induction into the requirements of the Code of Conduct, including the registration and declaration of interests. Co-opted members will also be provided with an introduction to how the Council works.

6.2 Co-opted members will be able to seek the support of the relevant lead officer or Democratic Services Officer in respect of any issue involving procedural or other aspects of the operation of meetings of an overview and scrutiny committee to which they have been appointed.

6.3 Co-opted members will be notified of the date and time of meetings of an overview and scrutiny committee to which they have been appointed and will be provided with the agenda and reports pack for such for meetings.

6.4 Co-opted members will be entitled to access to all information available to the committee on the same 'need to know' basis as elected councillors and briefings on specific matters prior to a meeting will be provided on request to the relevant Service Manager.

6.5 Co-opted members will be invited to attend relevant training sessions provided or facilitated by the Council, to support them in the undertaking of their overview and scrutiny role.

## **7. ACCOUNTABILITY**

7.1 Co-opted members of an overview and scrutiny committee will be expected to adhere to the provisions and requirements of the Council's Code of Conduct for members.

7.2 This includes a requirement for the co-opted member to declare an interest in any issue under consideration by an overview and scrutiny committee to which they have been appointed and to withdraw from any part of a meeting where they have a personal and prejudicial interest in the same way as an elected Member of the Council.

7.3 The Council expects all co-opted members to work within the principles of its Constitution. In addition, co-opted members are expected to:

- offer independent advice and comment on request;
- contribute to the delivery of the adopted work programme priorities of any overview and scrutiny committee to which they have been appointed; and
- work in a co-operative and non-adversarial manner.

7.4 No co-opted member may be involved in scrutinising a decision in which they have previously been directly involved.

## **8. ALLOWANCES**

8.1 The application of an annual allowance for co-opted members of an overview and scrutiny committee will be made at all times in accordance with the Council's current Members' Allowances Scheme. If necessary, the application of the annual allowance on a pro-rata basis to reflect the co-option of a member to a committee for a period of less than one year, will be considered.

8.2 The annual allowance applies only to co-opted members of an overview and scrutiny committee and does not apply to any persons (including residents, stakeholders, and members and officers of other organisations etc.) otherwise invited to address an overview and scrutiny committee or to discuss issues of local concern.

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