



**AGENDA ITEM: 7**

**OVERVIEW AND SCRUTINY BOARD**

**28 July 2009**

**CO-OPTED MEMBERS, ADDED MEMBERS AND SCRUTINY**

**Richard Long: Director of Legal and Democratic Services**

**PURPOSE OF THE REPORT**

- 1 To recommend to Members revised arrangements for the involvement of co-opted and added members of scrutiny committees.

**BACKGROUND**

**The Legislation**

- 2 The law requires that those Church and Parent Governor representatives who were previously members of the Education Committee have the right to participate in, and vote on, any matters relating to education that are discussed by Overview & Scrutiny committees.
- 3 The Local Government Act 2003 permits other voting co-opted members of Overview & Scrutiny committees and panels, should the Council choose to adopt and publish a scheme which allows this. Middlesbrough Council has not adopted such a scheme.
- 4 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 permit but do not require co-opted members to serve on crime and disorder committees or panels.

**The current situation in Middlesbrough**

Children and Learning Scrutiny Panel

- 5 At present, the Children & Learning Scrutiny Panel have four voting co-opted members: two parent governors and two church members (one Roman Catholic and one Church of England).

- 6 In addition to the statutory voting co-optees mentioned in paragraphs 2 and 5 above, there are currently a number of places for non-voting co-optees on the Children & Learning Scrutiny Panel. These are:

Learning & Skills Council – 1 member  
Teesside University – 1 member  
Trades Unions – 4 members  
Free Church Council – 1 member.

#### Social Care and Adults Services Scrutiny Panel

- 7 The Council has places for five non-voting co-opted members on the Social Care and Adults Services Panel. These are:

Service User representatives - 3 members:  
External organisations – 2 members.

#### **Co-opted members and added members**

##### The distinction between co-opted and added members

- 8 It is usual practice to appoint co-opted members for a particular period: one, two or three years are common periods of appointment.
- 9 Parent Governor representatives are elected to office by their representative organisation. They can be elected for a period of between 2 and 4 years. Church representatives have shown a high degree of continuity in serving as co-optees: there is no statutory period in respect of Church representatives. Given the statutory nature of their involvement, it would seem appropriate to elect all these co-opted members for a period of three years with an option to re-appoint at the end of the term of office.
- 10 Added members might be invited to participate in the work of Scrutiny committees for the duration of a particular topic, if it is felt appropriate and helpful to the Committee to do so. Such added members would be identified as having special knowledge of, or expertise in, a particular topic. At the end of that topic, those added members would cease to be members of the committee in question.

##### The role of co-opted and added members

- 11 The role of co-opted and added members is to bring to the work of a Committee particular knowledge or interest that will enhance the work of that Committee. Having co-opted and/or added members on Committees can also assist the Council in its commitment to consult with and involve a wide range of people and partners in the business of the Council.
- 12 Added members would differ from expert witnesses in that they would fully participate in the work of the Committee, but without voting rights.

- 13 Whilst co-opted and added members can bring a different perspective, or experience, into the process, they cannot be expected to be representatives of the community, group or interest with which they are concerned. They must be seen as people with a particular experience, expertise or interest: but no more than that. The representatives of the community are the elected Members.

### A need for change?

- 14 Clearly, there is no discretion in respect of the statutory church and parent governor representatives who sit on the Children and Learning Scrutiny Panel, and they must be voting members.
- 15 The current system of non-voting co-opted members on Children and Learning Scrutiny Panel and the Social Care and Adults Services Panel was introduced under the 'old' committee system prior to the Executive/ Scrutiny arrangements currently in place.
- 16 The work of what was then the Social Services Committee was quite different to the work of Scrutiny Committees. In many ways the old Committee system offered a clearer and more consistent role for co-opted members than the Scrutiny system does. Furthermore, the involvement of co-opted members was originally supported by officers as part of the Council's user involvement policy. It has become increasingly difficult over recent years to recruit and retain co-opted members.
- 17 At present, the situation relating to co-opted members is as follows

Committee	Number of co-optees	Filled	Vacant
Children & Learning Scrutiny Panel	Parent Governor** x 2	0	2
	Church** x 2	1	1
	Teesside University x 1	1	0
	Learning & Skills Council x 1	1	0
	Trades Unions x 4	0	4
	<b>TOTAL x 10</b>	<b>3</b>	<b>7</b>
Social Care & Adults Services Scrutiny Panel	Service User reps x 4	0	4
	External organisations x 2	1	1
	<b>TOTAL x 6</b>	<b>1</b>	<b>5</b>
** these are statutory voting members			
NB: the external organisations place on the Social Care & Adults Panel is currently taken by Age Concern			

- 18 In view of the above, it might be preferable to discontinue the current system of appointing non-voting co-opted members and instead move to appointing added members, wherever this would assist the work of the Panel and where a suitable added member can be identified, for the duration of individual scrutiny topics. Such 'added members' would not have voting rights.
- 19 An additional advantage of moving to added members will be that, if adopted, the scheme will apply to any scrutiny committee that considers that added members

might enhance the investigation. At present there is only provision for co-opted members on Children & Learning Scrutiny Panel and Social Care & Adults Services Scrutiny Panel.

### **Number of Added Members**

- 20 Clearly there needs to be a sensible balance between the numbers of elected members and added members. It is recommended that in addition to the statutory Education voting co-opted members, there should normally be no more than one or two non-voting added members per panel or committee.

### **Consultation**

- 21 If Members agree to the recommendations contained in this report, and then consultation would need to be undertaken with current co-opted members and the organisations that they represent.

## **RECOMMENDATIONS**

- 22 It is recommended that:
- (i) the Council should no longer appoint co-opted members to scrutiny committees, with the exception of the statutory Church and Parent Governor representatives.
  - (ii) the Council introduces a system of 'added members' whereby non-elected members may be appointed to a scrutiny committee as a non-voting member of the committee for the duration of a particular scrutiny investigation.
  - (iii) up to two added members may serve at any one time on any scrutiny committee.
  - (iv) it is up to each scrutiny committee to decide whether an added member should be appointed. If so, then the appointment should be notified to and minuted by Overview and Scrutiny Board.
  - (v) that officers consult with the relevant parties and report back to the Overview and Scrutiny Board.

### **Background Papers**

Local Government Act 2000

Local Government Act 2003

### **Author**

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