

Report of the Chair

Special Scrutiny Programme Committee - 23 April 2014

CO-OPTION

Purpose	This report provides advice to the committee to inform its consideration of co-option of others to its review of the gypsy and traveller site search process.
Content	Information from relevant guidance is presented to ensure understanding about the power to co-opt and benefits.
Councillors are being asked to	Consider the information to inform any decision on co-option
Lead Councillor(s)	Councillor Robert Smith, Vice-Chair of Scrutiny Programme Committee.
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1. Guidance on Co-option

- 1.1 Scrutiny has the power to co-opt non-voting members for either a topic or a term up to the next Annual Meeting of Council. There is no formal mechanism for co-option and relevant legislation / guidance focuses on co-option as a way of involving those who are not councillors in the scrutiny process. However that does not preclude the co-option of other councillors as non voting members. But there is no automatic right for members to be co-opted onto a scrutiny committee / body or their request to be placed on an agenda.
- 1.2 Co-option in the main is about scrutiny reaching out for expert knowledge or skills from others to support elected members in their deliberations and adding value to their work.
- 1.3 Any scrutiny body interested in co-option should consider:
 - the range of expertise, skills and knowledge needed to effectively deliver its work
 - the range of expertise, skills and knowledge the existing members are already able to bring
 - where there are gaps in the required expertise, skills and/or knowledge that a co-opted member could fill
 - whether the need for the expertise, skills and knowledge is time-limited

- 1.4 According to Statutory Guidance from the Local Government (Wales) Measure 2011 'in all instances where co-option is being considered, care should be taken to ensure that co-option is in fact the best way for some individuals or groups of interest to be involved in the work of scrutiny committees' (p. 36). Co-option is not the only means for scrutiny to engage others. Other arrangements include the calling of expert and other witnesses, and consultation through a range of means designed to reach members of the public, and receiving evidence or hearing from interested parties.
- 1.5 Ultimately it is for the scrutiny body to come to a view about co-option but the advice would be that this is done with a clear rationale about what the committee is looking for in a co-optee and consideration given as to whether other people ought to be asked / included who may meet any criteria set out.
- 1.6 When considering co-option it would be good practice to:
- determine the number of co-optees to be sought
 - identify the range of experience, skills, knowledge and expertise sought and seek nominations from organisations and individuals who demonstrate they have these
 - guard against seeking nominations from organisations or individuals with a single issue perspective or personal agenda
 - identify organisations which represent interest groups that fill identified gaps
 - be inclusive and fair
- 1.7 Although there have been examples of co-option by some of the Scrutiny Panels it must be noted these are informal bodies and have more flexibility and freedom to conduct their business as opposed to the Scrutiny Programme Committee which is a formal body of the council and subject to relevant legislation.
- 1.8 Co-opted members would not count towards a quorum of a meeting nor be eligible to serve as Chairman or Vice Chairman. Co-optees would also be required to declare any interest / conflict of interest / predetermination.

2. Co-option and the Work of this Committee

- 2.1 Following referral by council in October 2013 it was decided by the Scrutiny Programme Committee that it would deal directly with the review of the process in relation to the gypsy and traveller site search through a number of special meetings of the committee.
- 2.2 As a result of issues raised about the composition of the committee and representation in respect of this specific scrutiny work it was agreed by the committee at the last meeting to consider whether or not co-option of others is necessary.

- 2.3 The committee should note that a request has been made by Councillor Bob Clay to be co-opted onto committee for this work in order to make suggestions for the ongoing review and witnesses. Therefore this request should be considered as part of the committee's discussion.
- 2.4 The committee should consider the information within this report to inform any decision on co-option, that is:
- a) whether co-option is necessary and the rationale behind it;
 - b) who would be the most appropriate person(s) to act as co-optee; and
 - c) the duration of co-option.

Date: 11 April 2014

Legal Officer: Debbie Smith
Finance Officer: Carl Billingsley

Background Papers:

Council Constitution

Statutory Guidance from the Local Government Measure 2011 (Welsh Government June 2012)