

Report of the Chair

Scrutiny Programme Committee - 9 June 2014

PROTOCOL FOR CO-OPTION

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| Purpose | This report seeks agreement on a protocol for co-option to ensure a consistent approach across Panels and Working Groups. |
| Content | Information from relevant guidance is presented to ensure understanding about the power to co-opt and benefits. This report focuses on non-statutory co-option. |
| Councillors are being asked to | agree the protocol to aid consideration of co-option to scrutiny |
| Lead Councillor(s) | Councillor Mike Day, 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 (*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. It would effectively mean having someone work alongside Panel / Working Group members at all stages, e.g. planning of meetings, evidence gathering, drawing up conclusions and recommendations.
- 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
 - be inclusive and fair
- 1.7 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. Protocol

- 2.1 It is proposed that Scrutiny Panels and Working Groups adopt the following approach when considering co-option:
- a) at the outset of any inquiry / task consider whether co-option is necessary and the rationale behind it – identifying the gaps in the required expertise, skills and/or knowledge that a co-opted member could fill;
 - b) consider whether co-option is the best way to involve others, as opposed to inviting relevant persons to appear as a witness;
 - c) consider who would be the most appropriate person(s) to act as co-optee, e.g. seek nominations from organisations and individuals who can demonstrate they have the required experience, skills, knowledge and expertise

- d) once suggested co-optee(s) are identified consult with relevant officers to ensure there is no conflict of interest;
- e) invitation to be sent to proposed co-optee to join the Panel / Working Group, outlining duration of co-option;
- f) report to the Scrutiny Programme Committee to ensure awareness of the agreement to co-opt.

2.2 In the case of a member of the public requesting co-option onto a specific Panel / Working Group the following process should be followed:

- a) further information be sought as to the experience / skill / knowledge / expertise that they can add to the scrutiny process;
- b) refer the request to the relevant convener for consideration;
- c) consider whether co-option is the best way to involve the individual, as opposed to inviting them to give evidence as a witness;
- d) if co-option is agreed consult with relevant officers to ensure there is no conflict of interest;
- e) invitation to be sent to proposed co-optee to join the Panel / Working Group, outlining duration of co-option;
- f) report to the Scrutiny Programme Committee to ensure awareness of the agreement to co-opt.

2.3 Where a member of the public has a general interest in being a co-optee the scrutiny team will:

- a) obtain further information about what they can add to the scrutiny process;
- b) invite them to observe relevant Panel / Working Group meetings to develop an understanding of scrutiny and way of working;
- c) raise awareness of their interest in scrutiny with conveners, allowing for the discussion about the appropriateness of co-option to develop naturally.

2.4 Subject to committee discussion this report will be shared with scrutiny conveners to ensure clarity about the process that should be followed for co-option.

3. Legal Implications

3.1 **There are no specific legal implications raised by this report.**

4. Financial Implications

4.1 There may be a financial cost to co-option, for example in the payment of expenses, which will have to be met from the existing scrutiny budget.

Date: 29 May 2014

Legal Officer: Nigel Havard
Finance Officer: Carl Billingsley

Background Papers:

Council Constitution

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