

Report of the Chair

Scrutiny Programme Committee – 8 August 2016

GUIDE FOR CO-OPTED MEMBERS OF PANELS AND WORKING GROUPS

Purpose	This report adds to the previously agreed protocol for co-option by proposing a guide for co-opted members once they have joined panels and working groups.
Content	The draft guide is included as an appendix. This report focuses on non-statutory co-option.
Councillors are being asked to	Agree the guide to aid co-opted members in their role.
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1. Guide for Co-optees

- 1.1 This report proposes a guide for co-opted members of panels and working groups.
- 1.2 The purpose of the guide is to provide clarity to co-opted members and to help them to contribute effectively to scrutiny.
- 1.3 The guide complements the protocol for appointing co-optees agreed by the Committee 9 June 2014. This protocol is attached at APPENDIX ONE.
- 1.4 The proposed guide for co-optees is attached at APPENDIX TWO.

2. Next Steps

- 2.1 Members are asked to consider the draft guide and suggest any changes as necessary.
- 2.2 Once agreed the guidance can be provided to all co-optees participating in panels and working groups.

3. Legal Implications

- 3.1 The proposed guidance is consistent with all Constitutional requirements and Statutory Guidance from the Local Government Measure 2011 (Welsh Government June 2012)

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.

Legal Officer: Wendy Parkin
Finance Officer: Carl Billingsley

Background Papers:
Council Constitution

Protocol for co-option: involving the public

1. Introduction

- 1.1 The Scrutiny Programme Committee has developed a protocol for co-option to ensure a consistent approach that should be adopted across Scrutiny Panels and Working Groups.
- 1.2 The protocol outlines the benefits of co-option and the thinking that should be undertaken to best inform any decisions about co-option. It is designed to give clarity to conveners and scrutiny councillors about what steps to take.
- 1.3 It essentially highlights the importance of having a clear rationale, taking advice (relevant officers) and ensuring that there are no potential conflicts of interest.
- 1.4 It is important to remember that there are different ways of engaging people in the work of scrutiny.
- 1.5 The protocol emphasises that there should be a strong case for co-opting someone, who rather than giving evidence, would work alongside scrutiny members to carry out the scrutiny.
- 1.6 Once agreed co-optees should be written to with a formal invitation to join the Panel and with advice as appropriate about the role and duration of co-option.
- 1.7 A report to the Scrutiny Programme Committee must then follow to ensure awareness of the agreement to co-opt.
- 1.8 The committee recognised the importance of advertising the work of scrutiny to ensure the public are aware of work and opportunities to get involved.
- 1.9 This protocol was agreed by the Scrutiny Programme Committee on 9 June 2014.

2. Context

- 2.1 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*).
- 2.2 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.

2.3 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

2.4 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.

2.5 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.

2.6 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

2.7 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.

3. Protocol

3.1 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.

3.2 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.

3.3 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.

APPENDIX TWO

Guide for Co-opted Members of Scrutiny Panels and Working Groups

This guidance is for anyone who has been asked to join a scrutiny panel or working group as a co-opted member.

About scrutiny

Similar to select committees in Parliament, scrutiny involves backbench councillors in holding Cabinet Members to account, monitoring the performance of council services and contributing to policy development and decision making.

Swansea Council has a single committee approach to scrutiny. The Scrutiny Programme Committee manages the work programme and holds Q&A sessions with Cabinet Members – much of the work is done through cross party informal task and finish groups called panels and working groups.

General information about scrutiny is available on the Council's website [here](#).

About panels and working groups

- Panels and working groups are task and finish groups made up of councillors from different party groups.
- There are two types of Panel – Performance Panels that monitor and challenge an area of service delivery on an ongoing basis and Inquiry Panels that typically spend six months investigating a topic in-depth
- Scrutiny communicates its conclusions and recommendations to Cabinet in two ways; the Committee, performance panels and working groups write public letters; inquiry panels produce reports that are presented to Cabinet
- Panels will have a terms of reference setting out what they will focus on and how they will work
- Working groups typically only meet once to rapidly scrutinise an issue and write to the Cabinet Member with their conclusions and recommendations
- Panels and working groups receive support from a scrutiny officer who arranges meetings, makes notes, drafts reports etc

Purpose of being invited to be a co-opted member

You have been invited to join the panel / working group because you have expertise, skills or knowledge that the panel does not. This will have been made clear in your invitation to be a co-opted member.

You should therefore be prepared to contribute views and opinions based on your own knowledge and experience.

What You Can Expect

As a co-opted member you should expect to:

- Contribute to the work of the panel via email and at meetings
- Ask questions to those providing evidence in line with the Panel's terms of reference
- Be asked to help draw up conclusions and recommendations
- Be clear about how long you are being asked to be involved (scrutiny inquiries, for example, typically take from six to eight months)
- Attend meetings – these are normally held in the Civic Centre or Guildhall and two hours long – the panel/working group decides the time that meetings are held
- Attend meetings in the community if this is appropriate to the work of the Panel / Working Group
- Have usual expenses paid e.g. transport

As a co-opted member you should not:

- Be involved in any formal votes
- Act as the convener (chair) of the meeting

Good Conduct - General

Councillors are bound by a code of conduct to ensure that they behave appropriately and in the public interest. This is included in the Council Constitution available on the Council website.

As a co-opted member of an informal task and finish you are not bound by a formal code of conduct. You should, however, follow standards of good conduct by:

- Working for the public interest in your role as a co-opted member
- Promoting opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion
- Showing respect and consideration for others
- Not bullying or harassing any person
- Not doing anything that might compromise the impartiality of those who work for the Council
- Keeping confidential any information given to you that is identified as confidential in nature
- Not using your role to gain an advantage for yourself or any other person
- Reaching conclusions on the basis of the evidence in front of you
- Having regard to any relevant advice provided by Council officers,
- Observing the law and Council rules if you claim any expenses
- Not being unduly influenced by anyone for example through gifts
- Making known any interests you may have either personally, politically or professionally, that might be relevant to your role as co-optee

Good Conduct - Scrutiny

The purpose of Scrutiny is to make constructive recommendations that are based on factual findings.

Scrutiny is not about fostering a blame culture or assigning unfair criticism. To be effective, it must operate in an environment that supports the principles of service improvement. To assist this approach Scrutiny members should:

- Work with due diligence and satisfy themselves that all pertinent issues are covered
- Be free from party political discipline
- Use the powers of scrutiny properly and behave in a manner that reflects the trust placed in the process by citizens
- Ensure that personal agendas or differences in political complexion do not obscure an effective scrutiny process
- Refrain from public and personal criticism of other members or officers (scrutiny questioning should not be directed to the conduct of individuals in order to allocate criticism or blame)