

## **Co-option scheme for Overview and Scrutiny Committees**

- 1.1 Section 9FA(4) of the Local Government Act 2000 provides the provision for Overview and Scrutiny Committees to appoint co-opted members. Statutory Guidance on Overview and Scrutiny in Local Authorities and Combined Authorities, issued in May 2019, requires all Councils to create a co-option scheme.
- 1.2 Co-opted Members can provide scrutiny committees with knowledge, experience and skills that has been developed outside of a local authority setting which can inform the work of scrutiny and supplement the role of councillors.
- 1.2 The purpose of this scheme of co-option is to:
- Formalise the appointment of co-opted Members
  - Outline the role and expected contribution of co-opted Members
  - Clarify the induction to be provided to co-opted Members and the support and training to be made available
  - Provide Overview and Scrutiny Committees with the opportunity to appoint further co-opted Members

## **2. Statutory Co-opted Members**

- 2.1 In Walsall, there are seven co-opted Members required by statute to sit on the Overview and Scrutiny Committee with responsibility for education: These include:-
- Three voting Parent Governor representatives;
  - One voting representative from the Church of England diocese
  - One voting representative from the Roman Catholic archdiocese;
  - Two non-voting co-opted Members to represent primary and secondary school teachers.
- 2.2 The Parent Governor representatives and the arch/diocesan representatives on the Overview and Scrutiny Committees exercising education functions are required by law (The School Standards and Framework Act 1998 for Parent Governors and the Education Act 1996 for Diocesan representatives). The legislation explains that these co-opted Members have full speaking and voting rights for any decisions relating to education and school matters. Parent Governor representatives are elected by the Borough's parent governors, but once co-opted their role is to be an apolitical voice for all parents in the area. The Church of England and Roman Catholic representatives are nominated by the Lichfield Diocese and Archbishop of Birmingham respectively. Co-opted Members have the same rights of access to information as councillors, and are required to comply with the same Code of Conduct.

## **3. Non-statutory Co-opted Members**

- 3.1 In addition to statutory co-opted members, Overview and Scrutiny Committees, and Sub-Committees, can also seek the consent of Council to appoint non-

statutory co-opted Members. These non-statutory co-opted Members do not have voting rights and are co-opted at the discretion of Council, following a recommendation from an Overview and Scrutiny Committee. Council can also rescind the appointment if it feels it is necessary.

- 3.2 Overview and Scrutiny Committees, or Sub-Committees, have the power to recommend additional co-opted Members for appointment if they will be beneficial to the committee in carrying out its work. Before recommending the appointment of any additional co-opted Members, the committee, or sub-committee, should demonstrate that it has considered the composition of the local community to ensure it is as representative as possible. An over-representation of any particular specialist area should be avoided and the elected Members of the committee should always have a majority over co-opted Members.
- 3.3 Non-statutory co-opted Members can be appointed by an Overview and Scrutiny Committee to its working groups. These non-statutory co-optees do not have voting rights and co-opted at the discretion of the Overview and Scrutiny Committee which can also rescind the appointment if it feels necessary.
- 3.3 Non-statutory co-opted Members will usually (but not exclusively) be representatives of specific organisations relevant to the work of the scrutiny committee. The appointing Overview and Scrutiny Committee should invite the organisation to make an appropriate nomination, although a vacancy can be advertised more widely if the committee agrees it would be beneficial. Anyone who lives, works (including voluntary work) and/or studies in Walsall is eligible to be a non-statutory co-opted Member, except if they are a Walsall Council Elected Member. In recommending an appointment, the Overview and Scrutiny Committee will be mindful of the potential for any ongoing prejudicial interests between, for example, the co-opted Member's paid employment and the work of the committee.

#### **4. Terms of Office**

- 4.1 Co-opted Members will be appointed for a term of office of a municipal year. Towards the end of a term of office, the appointing committee will consider whether that non-statutory co-opted post is still required. If it is, the existing co-opted Member will be asked whether they wish to continue in their role. At this time, the committee may also decide to advertise the vacancy more widely.
- 4.2 Non-statutory co-opted Members can be disqualified during their term of office if they do not attend a meeting of the committee to which they have been co-opted to for six months; or if they are elected as a Member of Walsall Council. If they have been appointed on the basis of representing a particular organisation, then their term of office will also end if they resign or are disqualified from being a Member of that organisation, or if that organisation ceases to exist.

- 4.3 It is the responsibility of the co-opted Member to inform the Council if a circumstance arises that they believe disqualifies them from continuing in their term of office. Co-opted Members can also resign during their term of office if they feel that they can no longer fulfil the requirements of the role.

## **5. Powers and responsibilities**

### **5.1 Statutory and non-statutory co-opted Members will:**

- Be entitled to speak on any matter that is discussed by the committee to which they have been appointed
- Be encouraged to contribute to the development of the scrutiny work programme and propose agenda items for future meetings
- Have full voting rights on all education matters (excluding any non-statutory co-opted Members)
- Be eligible to chair a scrutiny committee, sub-committee or working group
- Be required to comply with the Members' Code of Conduct and register and declare disclosable pecuniary interests as required
- Be expected to attend all meetings of the committee to which they have been appointed having read the agenda papers
- Bring an external perspective to the work of scrutiny by utilising their specialist knowledge and experience
- Be expected to represent the whole community and not just one sector or viewpoint
- Act independently of party politics and lobbying interests
- Be responsible for keeping the organisation or interest they were appointed to represent informed and engaged in scrutiny
- Be expected to treat other committee Members, officers and external witnesses with respect
- Be required to recognise that they may encounter sensitive information and to act with discretion

## **6. Support for Co-opted Members**

### **6.1 All co-opted Members will be provided with a comparable level of support to the elected Members. This will include:**

- All agendas and committee reports will be sent to co-opted Members at the same time as elected Members and will comply with the public access to information regulations
- An induction will be provided for new co-opted Members that will outline their expected contribution to scrutiny and familiarise them with the Members' Code of Conduct

- Co-opted Members will be invited to attend Member training sessions that relate to their role on scrutiny
- Co-opted Members will not receive an allowance or salary but will be eligible to claim for travel and sustenance.

## **7. Why co-opt**

Co-option is a way of ensuring that under represented voices are represented on Council committees. The Equality Act 2011 (section 149) places a public sector equality duty (section 146) on the council. The duty requires the Council to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; Having “due regard” to the need to advance equality of opportunity involves having due regard, in particular, to the need to encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.