

Report To:	OVERVIEW AND SCRUTINY COMMITTEE
Date:	13 OCTOBER 2022
Heading:	OVERVIEW AND SCRUTINY CO-OPTees
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to ask Overview and Scrutiny Committee Members to consider the options relating to appointing non-voting co-opted members to the Overview and Scrutiny Committee and/or Scrutiny Panels A and B.

Recommendation(s)

Overview and Scrutiny Committee Members are recommended to:

- a. Consider the options relating to appointing non-voting co-opted members to the Overview and Scrutiny Committee and/or Scrutiny Panels A and B.
- b. Discuss methods for engagement and consultation of non-voting co-opted members.
- c. If agreed, formulate a formal recommendation to Council regarding the appointment process for non-voting co-opted members.

Reasons for Recommendation(s)

The Council's scrutiny function recently underwent an audit carried out by the Central Midlands Audit Partnership. One of the outstanding recommendations from this audit is that there has not been a recent discussion regarding the potential added value of appointing non-voting co-opted members to the Overview and Scrutiny Committee and/or Scrutiny Panels A and B.

Alternative Options Considered

No alternative options have been considered.

Detailed Information

BACKGROUND

Earlier this year, Central Midlands Audit Partnership (CMAP) undertook an audit focused on the function of the Council's Overview and Scrutiny Committee and Scrutiny Panels A and B during the financial years 2020/21 and 2021/22.

At the conclusion of the audit review, one of the control weaknesses and recommendations identified by CMAP was that:

“The decision on whether to use co-opted members had not been formally considered within the current Administration”.

Along with the following suggested actions:

“We recommend that the Scrutiny team remind Scrutiny Members of rights to use co-opted members to assist with workload and provide expertise, if requested. The discussion should be formally documents in the scrutiny functions minutes, for transparency”.

The reasoning below was used for the identified control weakness and recommendation regarding co-opted members:

“We expected that the Overview and Scrutiny Committee would have considered co-opting people from outside the Council to assist with its workload, but also to provide additional expertise and a more diverse representation.

We found through review of minutes that the Scrutiny panels had enlisted the assistance of people from outside the Council. These people attended meetings to provide additional expertise and information to assist with the review.

The Rules of Procedure included in the Council's Constitution stated: “The Overview and Scrutiny Committee or Sub-Committee or Scrutiny Panel shall be entitled to recommend to Council the appointment of non-voting co-optee(s)”.

Discussion with the Scrutiny Research Officer highlighted that there had been no indication from Chairs, Vice Chairs, or other Scrutiny Members for a desire to co-opt none voting members. This had formed a discussion with the previous Administration; however, they had also decided not to go down this route.

The Centre for Public Scrutiny issued the Good Scrutiny Guidance in 2019 which suggested Councils could use co-optee(s) members to provide particular technical skills or knowledge for specific tasks and/or the use co-optee(s) could provide a more diverse representation on a committee.

If the current Administration has not considered the appointment of non-voting co-optee(s), there is a risk that additional expertise and a more diverse representation has not been sought. This may lead to scrutiny being ineffective if the Panel or the Committee feel they do not have the correct skill set to undertake tasks or could lead to a perception of ineffectiveness by stakeholders, resulting in reputational damage to the Council.”

Ashfield District Council's Constitution

It is set out in Part 4 of the Council's Constitution:

The Overview and Scrutiny Committee or Sub-Committee or Scrutiny Panels shall be entitled to recommend to Council the appointment of non-voting co-optee(s).

Implications

Corporate Plan:

The Council strives to ensure effective community leadership. This is achieved through good governance, transparency, accountability, and appropriate behaviours. All of these factor into the Council's scrutiny function.

Legal:

There are no direct legal implications resulting from the recommendations within this report. As set out in the Part 4 of the Council's Constitution, the Overview and Scrutiny Committee and Scrutiny Panels are entitled to recommend to Council the appointment of non-voting co-optees.

Finance:

There are no direct financial implications resulting from the recommendations within this report. If the Overview and Scrutiny Committee decide to recommend to Council that the Overview and Scrutiny Committee and/or Scrutiny Panels, there is potential that a fee would be paid to any co-opted member.

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation

Human Resources:

There are no direct HR implications resulting from the recommendations within this report.

Environmental/Sustainability:

There are no direct environmental or sustainability implications resulting from the recommendations within this report.

Equalities:

There are no direct equalities implications resulting from the recommendations within this report.

Other Implications:

There are no other implications resulting from the recommendations within this report.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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