

# Report



Meeting: COUNTY COUNCIL

Date: 28 June 2007

Agenda Item

## **REPORT OF THE DEPUTY MONITORING OFFICER**

### **A SCHEME FOR CO-OPTED MEMBERS**

#### **1. Purpose of the Report**

- 1.1. To propose a Scheme pursuant to section 115 of the Local Government Act 2003 to allow the appointment of co-opted members to Scrutiny Committees with voting rights.

#### **2. Background**

- 2.1. The Local Government Act 2003 makes provision for Council to agree a scheme whereby co-opted members can be appointed to Scrutiny Committees with voting rights.
- 2.2. The County Council has in the past co-opted members onto Scrutiny Committees but without voting rights. (There is a statutory requirement to co-opt members in relation to educational matters and by law these members do have voting rights).

#### **3. Considerations**

- 3.1. At its meeting on 26 March 2007 Overview and Scrutiny Committee Members unanimously agreed that they wished to give co-opted members on the EMAS Select Committee voting rights.
- 3.2. In order to facilitate this, it is necessary for the County Council to agree the Scheme set out at Appendix 1.
- 3.3. Overview and Scrutiny Committee felt that it was essential to provide these co-opted members with voting rights in order to:-
  - i) Encourage a sense of ownership and therefore more

involvement in debates before a Scrutiny Committee.

- ii) Allow non-elected members of the public a more active voice in scrutiny.
- iii) Allow inclusivity in the decision making process.
- iv) Improve quality of decision making.
- v) Encourage a 'partnership' approach to scrutiny.

Whilst there are inevitably arguments against giving co-opted members voting rights, Overview and Scrutiny felt these were far outweighed by the benefits which would accrue.

#### **4. Options**

- 4.1. Council may decide that the status quo should remain and co-opted members should have no voting rights. Scrutiny Committees continue to have the ability to call/request experts from within the community to act as witnesses to inform their work.
- 4.2. Agree the Scheme at Appendix 1, allowing co-opted members voting rights at the discretion of the Overview and Scrutiny Committee.

#### **5. Financial Implications**

- 5.1. Within the current Members Allowances Scheme only Statutory Co-optees receive an allowance.

#### **6. Equal Opportunities Implications**

- 6.1. Co-opted members would be chosen by reference to their knowledge and expertise in the required areas of scrutiny. Due regard will be given to the Authority's Equal Opportunities Policy.

#### **7. Recommendations**

- 7.1. That Council agree the Scheme for co-opted members to have voting rights as set out in Appendix 1.
- 7.2. That Council delegates to Overview and Scrutiny Committee the authority to appoint co-opted members with voting rights in accordance with the Scheme, as and when it considers necessary.

#### **Legal Services Comments**

Council has the authority to approve the recommendation

**Background Papers Available for Inspection**

Minutes of Overview and Scrutiny Committee 26 March 2007.

**Electoral Divisions Affected**

All

## **Scheme for Co-optees of Members to Nottinghamshire County Council Scrutiny Committees**

### **1. Definitions**

- 1.1. The Council is Nottinghamshire County Council
- 1.2. Scrutiny Committees are any committee appointed pursuant to section 21 of Local Government Act 2000.
- 1.3. Co-opted Member is a member of a Scrutiny Committee who is not a member of the Council or Statutory Co-optee.

### **2. The Ethos of the Scheme**

- 2.1. The Council will, from time to time, wish to draw on the expertise and knowledge of people within the East Midlands Community when undertaking its scrutiny function. In these circumstances there may be occasions when to ensure and foster a sense of ownership, an active voice, inclusivity in the decision making process and improved decision making and a sense of 'partnership' Overview and Scrutiny Committee consider that such co-optees should be granted voting rights.
- 2.2. There will also be circumstances where Overview and Scrutiny Committee consider co-opting non-voting members will add value to the scrutiny process.

### **3. Appointments**

- 3.1. Overview and Scrutiny Committee will be responsible for the appointment and selection of co-optees. Their selection will be based upon the required expertise needed to assist the scrutiny process and due regard will be taken of the Authority's Equal Opportunities Policy. It may not always be necessary to advertise for and interview potential co-optees. This will be a matter for the discretion of the Overview and Scrutiny Committee following advice from the Monitoring Officer and subject to County Council Policies.

### **Voting Protocol of the Scheme**

To recognise the overarching importance of the elected accountability of Council Members the following Voting Protocol will be observed.

1. The total number of voting co-opted members on any Scrutiny Committee will not exceed 25% at any one time.
2. Where the Scrutiny Committee is considering wholly or partly educational matters no additional voting co-opted members will be appointed.

3. Co-opted members will exercise their voting rights in accordance with the principles of Decision Making set out in the Constitution.

### **General Principles**

1. This Scheme and arrangements made in accordance with its terms shall be reviewed by the County Council annually.
2. Co-opted members will be subject to the members Code of Conduct and must sign a declaration of office and complete a Register entry of any relevant interests.
3. Co-opted members will be entitled to reimbursement of their reasonable expenses in accordance with the Nottinghamshire County Council Members Allowances Scheme.