



Corporate Resources Scrutiny Committee

Briefing Paper

Report of: Diana Glendenning
Principal Committee Officer
Date: Thursday, 9th September 2010
Open

Co-Opted Members and Review Panel Protocol and Proposal Form

1. Summary

- 1.1 To apprise Members of proposed changes to scrutiny procedures regarding:
 - (a) Appointment of Co-Opted Members
 - (b) Review Panel Protocol and Proposal Form

2. Background

Appointment of Co-Opted Members

- 2.1 The Local Government Act 2003 modified the Local Government Act 2000 so as to provide local authorities in England with a power to grant voting rights to co-opted members to overview and scrutiny committees who are not elected members of the authority.
- 2.2 Following publication of this legislation Wyre Forest District Council developed a protocol for the co-option of members onto scrutiny committees.

Review Panel Protocol and Proposal Form

- 2.3 The Council did have a Review Panel Protocol in place and it was considered that this needed to be updated in line with good practice.
- 2.4. The Scrutiny Proposal form and scoring system had not been reviewed recently and it was considered prudent to review this at the same time that the Review Panel Protocol was being amended.

3. Key Issues

- 3.1 The Co-Option arrangements have now been in place for 7 years and have been reviewed and revised in line with good practice. A copy of the revised co-option arrangements are attached at Appendix 1.
- 3.2 The rules for co-option of members have been strengthened to allow for the termination of the services of a co-opted member. It is a requirement that co-opted Members sign up to the Council's Code of Conduct to ensure that a co-opted Member's conduct accords with that expected from District Councillors and that co-opted members adhere to the same confidentiality rules as District Councillors.
- 3.3 Similarly the Protocol for the establishment of Review Panels and the Scrutiny Proposal form has been reviewed and amended in line with good practice. A copy of the revised protocol and proposal form are attached at Appendix 2.
- 3.4 The Review Panel Protocol and Proposal form sets out a clear step-by-step procedure on the establishment of Review Panels. The scoring system for proposed scrutiny reviews has been revised from the current 'traffic light' scoring system to a more simple form whereby strategic questions are asked and scored accordingly.

4. Options

- 4.1 **The Community and Regeneration Scrutiny Committee is asked to adopt the revised arrangements for the co-option of members onto scrutiny committees.**
- 4.2 **The Community and Regeneration Scrutiny Committee is asked to adopt the revised Review Panel Protocol and Proposal form.**

5. Consultation

- 5.1 Legal Services.
- 5.2 Scrutiny Chairs.

6. Related Decisions

- 6.1 None.

7. Relevant Council Policies/Strategies

- 7.1 None.

8. Implications

- 8.1 Resources: None
- 8.2 Equalities: No impact on the equality strands
- 8.3 Partnership working: None
- 8.4 Human Rights: None
- 8.5 E-Government : None
- 8.6 Transformation: None

9. Equality Impact Needs Assessment

- 9.1 This report has been screened for any policy implications in respect of equalities groups and there are no major issues.

10. Wards affected

- 10.1 Not applicable.

11. Appendices

- 11.1 Appendix 1 – Arrangements for the Co-Option of Members onto Scrutiny Reviews.
- 11.2 Appendix 2 Review Panel Protocol and Proposal Form

12. Background Papers

- 12.1 Local Government Act 2000
- 12.2 Local Government Act 2003

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Co-Option of Members Protocol

- 1.1 Scrutiny Committees may wish to appoint Co-Opted Members to sit on their meetings in order to add value to the scrutiny process.
- 1.2 To appoint a Co-Opted Member, a Committee must first agree to appoint either a specific person or to approach a relevant organisation to request that they put forward a suitable representative (e.g. the local Police Authority).
- 1.3 The Committee will decide whether to allocate voting rights to the Co-Opted Member in accordance with the Scheme of Voting Rights for Co-Opted Members at Appendix A to Section 10 of the Constitution.
- 1.4 Democratic Services will then contact the person/organisation to invite the Co-Option of the Member, which will last no longer than the remainder of the municipal year.
- 1.5 Scrutiny Committees can at any meeting agree to terminate the Co-Option of a Co-Opted Member with immediate effect.
- 1.6 Where an organisation is appointed to put forward a Co-Opted Member, they are able to send a substitute in exceptional circumstances, provided that they notify Democratic Services in advance.
- 1.7 Co-Opted Members must sign up to the Members Code of Conduct before attending their first meeting, failure to sign will mean that they are unable to participate. This also applies to substitute Co-Opted Members, who will need to allow sufficient time before a meeting in order to sign the Code of Conduct.

Review Panel Protocol

In order for a Scrutiny Review Panel to be established, it must be done so by agreement of a Scrutiny Committee.

There are several routes from which Review Panel requests may originate:

- Suggestion by a Councillor
- Recommendation by another Committee
- Recommendation from a Working Group
- Suggestion by an Officer

(1) Suggestion by a Councillor

In the case of a suggestion by a Councillor, the Member should complete a scrutiny proposal form and then submit it to Democratic Services.

The Scrutiny officer will then meet with the relevant Scrutiny Chairman to discuss and score the proposal against the scoring matrix. If the proposal scores 40 points or higher then the proposal will be put to the next meeting of the Committee.

(2) Recommendation from another Committee

Where another Committee recommends the establishment of a Scrutiny Review Panel, the Officer responsible for that Committee will inform the relevant Scrutiny Officer of the recommendation and it will then be presented to the next meeting of the Committee.

(3) Recommendation from a Working Group

Where a working group recommends the establishment of a Scrutiny Review Panel, the procedure as part 2) will be followed, with the additional requirement that a Scrutiny Proposal Form must be completed, and then scored with the relevant Scrutiny Chairman.

(4) Suggestion by an Officer

Suggestions for proposals from Officers will be handled in the same manner as those from Councillors, and will require the completion and submission to Democratic Services of a scrutiny proposal form.

Urgency

In exceptional circumstances issues may arise which require immediate scrutiny attention, and having to wait until the next Committee meeting to agree to a proposal could hinder effective scrutiny.

In these instances, the Officer, Councillor, or other Committee/Working Group should complete a Scrutiny Proposal Form and submit it to the Scrutiny Officer who will then contact the relevant Scrutiny Chairman to discuss and score the item.

If the Chairmen agrees that the item is urgent, and it scores sufficiently on the Scoring Matrix, the Scrutiny Officer will inform all members of the establishment of the review and request nominations for Membership.

Following the establishment of the review, a report will be submitted to the next meeting of the relevant Scrutiny Committee which informs Members of the review and its estimated date of completion.

Process at Committee

The Chairman of the relevant Scrutiny Committee will present Scrutiny Proposal Forms scoring over 40 points, and recommendations from other committees/working groups to the relevant Scrutiny Committee for approval.

Following approval, Members will be asked to agree the following parameters:

- Title of Review
- Reason for Review
- Provisional Date of First Meeting
- Arrangements for appointing Members (it will be up to the Committee to decide whether or not to appoint from within the Committee or from across all Members)
- Appointment of Co-Opted Members (The Review Panel will still be able to invite as many guests as they deem necessary to as many meetings as they require, without formal co-option)

After the Committee

If the Committee decided to open the membership to all members, then following the meeting, the scrutiny officer will inform all members of the establishment of the review via email and request nominations for membership.

The Scrutiny Officer will then confirm the date of the first meeting of the Review Panel with the relevant Members.

First Meeting

At the first meeting of the Review Panel a chairman will be appointed, and a scrutiny Scoping Form will be completed which will include the following:

- Terms of Reference
- Meeting Schedule and Topics
- Invited Guests /Expert Witnesses
- Evidence required

**Wyre Forest District Council
Scrutiny Proposal Form**

Name of Councillor:	
Subject Area to be Scrutinised:	
Rationale: reason for scrutinising the subject area	
Evidence: What evidence is there to support the rationale and the need for the scrutiny review	

Please select from the list below which of the following is applicable to the subject area to be scrutinised:	Detail	Scoring
(1) Is there evidence of poor performance?		10
(2) Is there a high level of dissatisfaction with the service?		10
(3) Has there been a budgetary overspend?		10
(4) Is there a high level of risk involved?		10
(5) Is the review likely to identify better value for money for the Council?		10
Key Outcomes: What do you think the review should achieve		

Agenda Item No. 12**Appendix 2**

(6) Does the service provide substantial benefits for all or a significant proportion of residents in the District?		8
(7) Is there strong evidence linking the topic to the Corporate Plan and the Council's Key Aims and Priorities?		8
(8) Is there public interest in this e.g. press coverage?		6
(9) Officer led review planned.		4
(10) New Legislation/good practice anticipated within the next year.		4
(11) Topic has been reviewed in the last 3 years and there are likely to be no significant changes		2
TOTAL: (Score of over 40 points meets criteria to set up a Scrutiny Review Panel)		