

## **Protocol for non-statutory Co-opted Members to Overview and Scrutiny**

**Appendix A**

For the purpose of this document, “co-opted members” refers to non-statutory co-opted members to overview and scrutiny, i.e. non-elected non-councillor non-voting members of overview and scrutiny.

### **Purpose**

The purpose of this protocol is to:

- Provide guidance to Overview and Scrutiny Committees when seeking to appoint co-opted members to committees, task groups, rapid scrutiny exercises or any other form of overview and scrutiny activity.
- Outline the role and responsibilities of co-opted members.
- Outline the support and training to be provided to co-opted members.

### **Appointment of co-opted members to overview and scrutiny activities**

1. Co-opted members should be appointed where specialist input is beneficial or where an outside view of the council can be useful in guiding councillors’ deliberations. It is widely recognised that co-opted members can significantly aid the work of OS.
2. However, co-opted members should not be viewed as a replacement for professional advice from officers.
3. Furthermore, when seeking external input into OS work, consideration should always be given to other alternative approaches, such as the role of expert witnesses or use of external research studies, to help achieve a balanced evidence base.
4. To ensure that the reason(s) why a co-opted member was appointed (i.e. specific skills, knowledge, representative of a specific group or organisation, etc.) remain relevant, appointments should be reviewed on an annual basis, usually at the beginning of a new municipal year.
5. The number of terms of office a co-opted member can be appointed to are not currently limited.
6. The number of co-opted members appointed to overview and scrutiny (OS) activities should be limited to ensure that:
  - a. An over-representation of any particular specialist area is avoided, and the elected members of a committee retain a majority over co-opted members. In practice this has been 2/3 of elected members and no more than 1/3 of co-opted members for committees. No issues of balance have been raised therefore this proportion could be applied for committees and other OS activities

- b. The composition of the local community has been considered to ensure that the co-opted membership it is as representative as possible.
  - c. Each member (both councillors and co-opted) can participate in a meeting without making the length of the meeting unreasonable. For guidance a total membership of 18 members for committee, 7 for task groups and 5 for rapid scrutiny exercises has been manageable.
7. When considering the appointment of a co-opted member, OS should be mindful of any potential conflicts of interest that may arise during the course of the year in view of the terms of reference of the relevant OS activity, for example the co-opted member's paid employment and the work of the committee.
  8. Co-opted members will usually (but not exclusively) be nominated by specific organisations relevant to the work of the committee. The 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 Wiltshire is eligible to be a co-opted member, except if they are a Wiltshire Council Member or Wiltshire Council Officer.
  9. The process for appointing co-opted members should be open, effective and carried out in a manner which seeks to strengthen the work of the OS activity.
  10. A report from the select committee on the appointment of co-opted members should be presented at the beginning of a new municipal year to include:
    - a. A review of appointments from the previous year,
    - b. A review of whether a limit on terms of office should be applied,
    - c. A summary of contractual and / or working relationships between the council and the organisations or groups the co-opted members may belong to (where relevant),
    - d. Recommendations for the appointments of co-opted members for the coming year.
  11. Each OS committee can appoint co-opted members in line with paragraphs 1 to 5 above as members of said committee.
  12. The appointment of co-opted members to other OS activities should be endorsed by the relevant parent OS committee, either by the full committee or its Chair and Vice-Chair.

### **Role and responsibilities of co-opted members**

13. Co-opted members are intended to bring an additional element of external challenge to the work of OS. By bringing a diverse spectrum of experience and adding a different perspective to many items they are expected to add value to OS by performing the following roles:

- a. To act as apolitical voices for those who live and / or work in Wiltshire.
  - b. To bring specialist knowledge and / or skills to the OS process.
  - c. To bring an element of external challenge by representing the public.
14. Co-opted members like all members are bound by the Council's code of conduct.
15. Co-opted members may be removed from the role during their term of office if:
- a. they do not engage with the OS activity to which they have been co-opted
  - b. if they fail to adhere to the Code of Conduct which applies to them, or
16. Where co-opted members are nominated by a particular organisation to provide insight about that user group or section of society, then their term of office will also end when they are no longer a member of that organisation, or if that organisation/group ceases to exist.
17. 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.
18. 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.
19. Co-opted members are an integral part of the OS activity they are appointed to and can contribute to questioning of witnesses and analysis of evidence. However, co-opted members do not have voting rights.
20. Co-opted members are asked to:
- a. Attend formal meetings of the OS activity they have been appointed to and when unable to attend to make written representations ahead of the meeting.
  - b. Attend additional meetings and evidence gathering sessions such as site visits.
  - c. Prepare for meetings by reading the agenda papers and additional information to familiarise themselves with the issues being scrutinised.
  - d. Help OS to make practical suggestions for improvements to services.
  - e. Assist in the preparation of reports and the formulation of recommendations where relevant.
  - f. Contribute to the development of the annual scrutiny work programme.
  - g. Establish positive working relations with members, officers and other co-opted members.
  - h. Abide by the relevant sections of the Council's Constitution in terms of the rules and procedures for Overview and Scrutiny; and
  - i. Keep abreast of key issues for the authority and bear these in mind when scrutinising services and making recommendations for improvement.

### **Support and training to be provided to co-opted members**

21. Co-opted members will be provided with a comparable level of support to OS elected members in terms of advice from the scrutiny team, access to agendas and training as detailed below.
22. Newly appointed co-opted members will receive an individual induction following appointment and prior to attending their first scrutiny meeting, that will outline their expected contributions and familiarise them with the Code of Conduct which applied to them.
23. The induction may include meeting with relevant OS members (such as the Chair of the OS committee they are joining) and scrutiny officer(s).
24. Co-opted members will be invited to join training and development sessions offered to elected members of OS that relate to their role as co-opted members, including sessions delivered during the induction of Wiltshire Councillors.
25. The role of co-opted member is a voluntary position and there is no allowance provision for this role.