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| REPORT TO: | Council |
| REPORT NO: | HF/08/19 |
| DATE: | 20 February 2019 |
| LEAD MEMBER: | Councillor Mark Pritchard, Lead Member - Organisation – Finance, Performance, Health & Safety and Governance |
| CONTACT OFFICER: | Craig Stevens, Scrutiny Facilitator (Tel: 292253) |
| SUBJECT: | Review of Co-opted Members to the Lifelong Learning Scrutiny Committee |
| WARD: | N/A |

1. PURPOSE OF THE REPORT

To consider the review of the Co-opted membership of the Lifelong Learning Scrutiny Committee.

2. EXECUTIVE SUMMARY

- 2.1 Legislation establishes the requirement for Local Authorities to appoint Parent Governor / Church representatives to the Scrutiny Committee whose functions relate wholly or partly to education functions. The Co-opted members have an entitlement to speak and vote on education issues only.
- 2.2 Council has also previously agreed to the request to appoint an additional co-opted member, Mr Brent Evans, with an entitlement to speak but not vote on education issues.
- 2.3 When the appointment of co-opted members was last considered by the Lifelong Learning Scrutiny Committee at its meeting held on 18 January 2018, it agreed that a review be undertaken regarding the external representation.
- 2.4 This review was considered at the meeting of the Lifelong learning Scrutiny Committee on 8 November 2018.

- 2.5 Arising from this the Committee recommends that the existing additional co-opted Member, Mr Brent Evans, be reappointed for a period of two years.
- 2.6 That an additional Parent Governor be sought to represent the Special Educational Needs sector, so as to increase and reflect greater diversity in the membership of the Committee.

3 RECOMMENDATION

- 3.1 To consider the re-appointment of Mr Brent Evans as a co-opted member of the Lifelong Learning Scrutiny Committee with an entitlement to speak but not vote on education issues, until end February 2021.**
- 3.2 To consider the appointment of a Parent Governor to represent the Special Educational Needs sector as a co-opted member of the Lifelong Learning Scrutiny Committee with an entitlement to speak and vote on education issues, until end February 2021.**

REASONS FOR RECOMMENDATIONS

- (i) To meet the statutory requirement to have representation of Parent Governors and Church Representatives on the Lifelong Learning Scrutiny Committee.
- (ii) To continue to benefit from the knowledge of the currently appointed non-voting co-opted Member of the Committee.
- (iii) To provide the opportunity to consider increasing the diversity of the membership of the Committee, in line with Statutory Guidance regarding Section 76 of the Local Government (Wales) Measure 2011.

4. BACKGROUND INFORMATION

Duties and Powers of Co-opted Members on Scrutiny Committees

- 4.1 The Local Government Act 2000, in setting up the provisions for Executive Arrangements, required specific individuals to be co-opted onto the scrutiny committee dealing with education matters. In particular the local authority is required to appoint both parent governor representatives from the Primary and Secondary sectors in the County Borough and representatives from the faith schools. Because they are statutorily provided for these representatives have full debating and voting rights on matters of education.
- 4.2 In accordance with S.76 of the Local Government (Wales) Measure 2011 and WG Guidance issued under it, Local Authorities are encouraged to co-opt members in appropriate circumstances at their discretion so long as the total number of co-optees on any discrete committee does not exceed 1/3 of the whole committee membership. It is important that elected members have the

overall majority on these committees as it is they who have been democratically elected by their local constituents.

- 4.3 As referred to above, the statutory representatives appointed in accordance with the provision in the Local Government Act 2000 and the Local Government Measure 2011 enables full voting rights on matters of education. Any additional co-opted members appointed to scrutiny committees cannot be allocated voting rights. This is outlined in the following paragraphs of the WG Guidance relating to Section 76 of the Measure:-
- 4.4 The Measure does not afford co-opted members of scrutiny committees with any additional voting rights. The existing voting rights of co-opted members are to be found within the provisions of paragraph 8 to Schedule 1 to the Local Government Act 2000, the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

Legal Requirements regarding Co-option (as outlined in the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001)

Parent Governors

- 4.5 Subject to regulation 13, a local authority must appoint at least two but not more than five parent governor representatives, elected in accordance with regulation 5, to each of their education overview and scrutiny committees. The length of term of office is determined by the local authority should be no less than two years but no more than 4 years.
- 4.6 Subject to the following provisions, a person shall, unless disqualified under any enactment, be qualified to be elected as a parent governor representative in an election held by the local authority if on the date of the election he or she is–
- (a) a parent governor of a school maintained by that authority; and
 - (b) the parent of a registered pupil who is educated at a school maintained by that authority, or who is educated by that authority otherwise than at a school.

Church Representatives:

- 4.7 Regulation 11(3) states that an overview and scrutiny committee or subcommittee to which this regulation applies must include one or more persons appointed as representatives of the persons who appoint foundation governors for the schools which are maintained by the authority concerned and which are specified in directions made by the national Assembly for Wales as schools which have a character connected with a particular religion, or particular religious denomination, specified in the directions. The Regulations do not specify an upper limit on the number of Church representatives.

Wrexham County Borough Council Constitution regarding Co-opted Members

4.8 The Scrutiny Procedure Rules in the Council Constitution state as follows:-

'Each scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees in accordance with the provisions of the Local Government (Wales) Measure 2011.

*'Education representatives
The Lifelong Learning Scrutiny Committee, when dealing with education matters shall include in its membership the following representatives with an entitlement to speak and vote on education issues only:*

- (a) One Church in Wales representative;*
- (b) One Roman Catholic representative; and*
- (c) Two parent governor representatives'*

4.9 The Council, in accordance with statutory requirements, has agreed to appoint two Parent Governors (one from Primary and one from Secondary schools) and two Church representatives (one Church in Wales and one Catholic Church) to the Lifelong Learning Scrutiny Committee. This is outlined in the Constitution. Legislation entitles these statutory co-opted members to voting rights, but only in respect of education issues. Education issues include any functions of the local authority under the Education Acts.

4.10 The Council has also agreed to the request of the Committee to appoint a non-voting co-opted member, with the entitlement to speak but not vote, on education issues. The current non-voting co-opted member previously served on 'education' Scrutiny Committees as a Parent Governor and indicated his interest in continuing to serve on the Committee in a non-Parent Governor capacity.

Current co-opted member representation on Wrexham Lifelong Learning Scrutiny Committee

4.11 The current co-opted members on this Committee are as follows:-

Parent Governor Representatives

*Primary Schools – vacancy (appointment expires end February 2020)

Secondary Schools - Mrs Alison Fisher (until end February 2020)

Church Representatives

Church in Wales – Vacancy

Roman Catholic Church - Mr Brendan MacDonald

Non-voting co-opted member - Mr Brent Evans (until end February 2019)

4.12 *The Authority must seek nominations again within one year of the vacancy

having arisen and at six monthly intervals thereafter, until the vacancy is filled. The election process for Parent Governor representatives was agreed by the Council in May 2000 (Minute 16 refers).

Deciding when to Co-opt

- 4.13 Extract from Statutory Guidance regarding Section 76 of the Local Government (Wales) Measure 2011

In considering any review of external representation, the Committee needs to be aware of the statutory guidance in respect of Section 76 of the Local Government (Wales) Measure 2011 with regard to Co-opted members. The guidance states *'In recognition of the democratic mandate of elected councillors, it is recommended that the number of co-opted members on a scrutiny committee should not exceed a third of the total membership of the committee.'* Currently, the co-opted members make up a total of 5 of the 18 members of the Committee. The maximum number of co-opted members for this Committee based on this guidance would be 6 (out of a total of 19 members).

The guidance also states that *'Any appointment of co-optees should be informed by scrutiny forward work plans and what outcomes elected members are seeking to achieve as the result of planned scrutiny exercises. Councils are advised to think carefully about the use of co-option as a means to develop partner relations or improved public connections that may add significant value to the work of scrutiny committees.'*

In all instances where co-option is being considered, care should be taken to ensure that co-option is in fact the best way for some individuals or groups of interest to be involved in the work of scrutiny committees. Groups of interest should include protected characteristics equality groups in recognition of the value these perspectives can add to the work of local authority scrutiny committees. In some circumstances it may be more appropriate for stakeholders to act as 'expert advisors' of a task and finish group or to be included as an invitee at scrutiny committee meetings.'

Co-opted Members in other Authorities – Appendix 1

- 4.14 Anglesey have recently circulated North Wales Authorities to ascertain the arrangements regarding co-opted members on scrutiny committees dealing with education matters. Attached at Appendix 1 is a table which shows the numbers of co-opted members in other authorities. Four of the six authorities have 3 voting parent governor representatives, and five have between 1-2 vacancies (including Wrexham in respect of the primary phase).

Recommendations of the Committee

- 4.16 When considering the current make-up of the co-optee representation of the committee, particular heed was taken of the Statutory Guidance regarding Section 76 of the Local Government (Wales) Measure 2011. In particular its

reference to “ensure that co-option is in fact the best way for some individuals or groups of interest to be involved in the work of scrutiny committees. Groups of interest should include protected characteristics.” It was considered that a number of issues that were addressed by the committee would benefit from the input of a Member who had experience of Special Educational Needs provision. On this basis it was thought appropriate that a co-optee be sought from a parent governor for this area of provision.

4.17 With regard to the current non-voting co-optee it was considered that his experience and knowledge in relation to education issues was greatly appreciated and that this should be maintained to inform future work by the committee.

4.18 After considering the above information and for the reasons specified the Committee make the following recommendations:-

a) To re-appoint Mr Brent Evans as a co-opted member of the Lifelong Learning Scrutiny Committee with an entitlement to speak but not vote on education issues, until end February 2021.

b) To consider the appointment of a Parent Governor as a co-opted member of the Lifelong Learning Scrutiny Committee with an entitlement to speak and vote on education issues, until end February 2021.

5. IMPLICATIONS

5.1 **Policy Framework** – The Council’s Constitution states that each Scrutiny committee or Sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

5.2 **Budget** – Voting co-opted members are entitled to claim expenses for attending scrutiny committee meetings. At present these rates are £99 per half day, £198 per full day, up to a maximum of 10 days per year

5.3 **Legal** – The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001. Local Government Act 2000. Section 499 of the Education Act 1996. Section 76 of the Local Government (Wales) Measure 2011.

5.4 **Staffing** – None

5.5 **Equality/Human Rights** – Members are advised to consider the previous Equality Impact Assessment which is available at <http://vmwinqld/equalityisalive/Menu.aspx> report number [EIA00095/2015] which, although relates to the previous term of office, relates to the same process.

A summary of the previous Equality Impact Assessment is attached as Appendix 2.

5.6 **Risks** – None

6. **CONSULTATION**

6.1 All Parent Governors are invited to submit nominations as part of the nomination process for Parent Governor Co-opted members set out in paragraph 4.3.

| BACKGROUND PAPERS | LOCATION | WEBSITE INFO. |
|---|--------------------------|---|
| Statutory Guidance on the Local Government (Wales) Measure 2011 (Section 76 refers to co-opted members) | Welsh Government website | http://gov.wales/docs/dsjlg/publications/localgov/120625statguideen.pdf |