

REPORT TO:	Homes and Environment Scrutiny Committee
REPORT NO:	COCG/47/19
DATE:	18 September 2019
LEAD MEMBER:	N/A
CONTACT OFFICER:	Craig Stevens, Scrutiny Facilitator (Tel: 292253)
SUBJECT:	Possible Co-option of Members to the Homes and Environment Scrutiny Committee
WARD:	N/A

1. PURPOSE OF THE REPORT

To consider the possible co-option of Members to the Homes and Environment Scrutiny Committee

2. EXECUTIVE SUMMARY

- 2.1 Legislation allows for Local Authorities to co-opt Members to sit on Scrutiny Committees.
- 2.2 The Tenant Member Partnership has raised the possibility of tenants that are Members of the Partnership being appointed as co-optees of the Homes and Environment Scrutiny Committee.
- 2.3 Neighbouring Authorities have been consulted to ascertain if they have appointed tenant representatives to their Scrutiny Committees that have a remit to scrutinise Housing issues.
- 2.4 Any recommendation to appoint co-optees will have to be made to the Council for approval.

3 RECOMMENDATION

- 3.1 That Members formulate their conclusions and recommendations based on the information in the report and the discussion at the meeting. .

4 REASON FOR RECOMMENDATION

- 4.1 To allow the Committee to consider whether to recommend the appointment of tenant representatives as co-optees to this Committee.

5. BACKGROUND INFORMATION

Duties and Powers of Co-opted Members on Scrutiny Committees

- 5.1 In accordance with S.76 of the Local Government (Wales) Measure 2011 and WG Guidance issued under it, Local Authorities can 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.

Wrexham County Borough Council Constitution regarding Co-opted Members

- 5.2 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.

Deciding when to Co-opt

- 5.3 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.’* 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 North Wales Authorities

- 5.4 Other North Wales Councils have been contacted to ascertain whether they have co-opted tenant representatives to their Scrutiny Committees that scrutinise their housing function.
- 5.5 No other North Wales Council currently has a tenant representative appointed as a co-optee to their relevant scrutiny committee.

6. IMPLICATIONS

- 6.1 **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.
- 6.2 **Budget** – n/a
- 6.3 **Legal** – Section 76 of the Local Government (Wales) Measure 2011 is relevant when considering co-option.
- 6.4 **Staffing** – None
- 6.5 **Equality/Human Rights** – Members are advised to consider the Equality Impact Assessment which is available at <http://vmwinsqld/equalityisalive/Menu.aspx> report number [EIA000??/20??].
- 6.6 **Risks** – None

7. CONSULTATION

- 7.1 Consultation has been carried out with other North Wales Authorities to identify if they have tenant representatives sitting as co-optees on their scrutiny committees that have remit over their housing functions.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
Statutory Guidance on the Local Government (Wales) Measure 2011	Welsh Government website	http://gov.wales/docs/dsjlg/publications/localgov/12062

(Section 76 refers to co-opted members)		5statguideen.pdf
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