

HEREFORDSHIRE COUNCIL
SCHEME FOR THE CO-OPTION OF MEMBERS TO SCRUTINY
COMMITTEES AND SCRUTINY TASK AND FINISH GROUPS

Herefordshire Council, in exercise of the powers conferred by Schedule A1 of the Local Government Act 2000, has made the following scheme:

1. Definitions:

“Council” means the Council of the county of Herefordshire District Council.

“Councillor” means an Elected Ward Member of the Council.

“Co-optee” means a person who is not an elected member nor an officer of the Council but who is a member of a Scrutiny Committee, or Task and Finish Group of those committees.

“Scrutiny Committee” means a Committee appointed pursuant to [Section 9F of the Local Government Act 2000](#).

2.0 Co-opted members to the Council’s Scrutiny Committees and Task and Finish Groups

- 2.1 The Council recognises the valuable input and different perspectives co-opted members bring into the Council’s decision-making process. Their role will depend upon what capacity they are appointed, which could be as representatives of an organisation, an interest group or they may be co-opted for their specific expertise or experience.
- 2.2 A scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed workplan and/or task and finish group membership and this protocol. A co-optee’s role is to complement, rather than replace, the role of Councillors who remain accountable to the electorate.
- 2.3 Education co-optees consist of church representatives and parent governor representatives. The appointment of seats will be made at the annual Council meeting with individuals then being appointed to those seats as soon as is reasonably possible after. There is no limit on re-appointments but no guarantee that re-appointments will be made. Appointments will be subject to ‘Appointments and Training’ process set out in appendix 1 below.
- 2.4 Church Representatives – will be appointed from the Diocese of Hereford and the Archdiocese of Cardiff and will be reappointed yearly following the annual council meeting.
- 2.5 Parent Governor Representatives – will be appointed following the process set out in the appendix and will serve a term of 2 years in accordance with regulations.
- 2.6 Current committee structure, [Committee membership](#) and Co-optees

ADULTS AND WELLBEING SCRUTINY COMMITTEE (7)	
Committee formed of Chair and Vice Chair and 5 elected members of the Council in line with political proportionality rules.	<u>No current Co-opted members</u>
CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE (7)	
Committee formed of Chair and Vice Chair and 5 elected members of the Council in line with political proportionality rules.	<u>Co-opted members (Statutory Co-optees)</u> Five education co-optees: <ul style="list-style-type: none"> - one representative as nominated by the diocese of Hereford - one representative as nominated by the archdiocese of Cardiff - one parent governor as elected from the primary school sector - one parent governor as elected by the secondary school sector - one parent governor as elected by the special school sector <u>Additional co-optees</u> <ul style="list-style-type: none"> - one representative from the teaching sector
GENERAL SCRUTINY COMMITTEE (7)	
Committee formed of Chair and Vice Chair and 5 elected members of the Council in line with political proportionality rules.	<u>No current Co-opted members</u>

- 2.7 If a co-opted member fails throughout a period of six consecutive months to attend any meeting of a committee, to which he or she has been co-opted, they will cease to be a member of the committee unless their absence is due to a reason which has previously been approved.
- 2.8 Co-opted members do not receive an allowance. However, co-opted members are entitled to be reimbursed for all travel costs, whether travel is within or outside the county. Co-optees are not entitled to reimbursement for subsistence.
- 2.9 The committee with responsibility for education (the Children and Young People Scrutiny Committee) shall include the following co-opted education representatives, as appointed by Council:
- one representative as nominated by the diocese of Hereford
 - one representative as nominated by the archdiocese of Cardiff
 - one parent governor as elected from the primary school sector

- one parent governor as elected by the secondary school sector
- one parent governor as elected by the special school sector

The education co-optees may vote on items relating to education; on other items on the committee agenda they may speak but not vote.

Following resolution of Council on 28 May 2021 the committee shall also include the following non-voting co-optee:

- one representative from the teaching sector, following an open expression of interest, and following satisfactory recruitment procedures being completed.

2.10 An independent perspective can be achieved by co-opting individuals with specialist knowledge and/or expertise to scrutiny Task and Finish. The Task and Finish will consider appointing co-optees as part of the scoping stage of the review and under normal circumstances there will be no more than two co-optees per Task and Finish to retain a balance with the number of councillors. The appointment would be approved by the parent scrutiny committee at a formal meeting. The minutes will make clear the basis on which the co-option is recommended. For example the person is an appointed representative of a relevant organisation or has relevant expertise or experience and that it would be for as long as the Task and Finish exists.

2.11 The MO/DMO/statutory scrutiny officer/DSO has delegated authority to recruit co-optees to Task and Finish between meetings with appointments being made following consultation with the Chair and the Committee. A full report containing the details of the delegated decision including the reason for the appointment would be included on the agenda of the next formal meeting of the Committee or the Scrutiny Committee depending on which met first.

2.12 Scrutiny Task and Finish are informal, time limited bodies established by the Council's scrutiny committees to gather evidence and produce recommendations on a specific subject. The role and focus is usually on a discrete area of policy. Co-optees will sit alongside other members of Task and Finish and will be able to hear evidence, ask questions and contribute to the findings.

2.13 All Co-optees will be:

- Sent all agendas, documentation and communication relevant to the committee / Task and Finish to which they have been co-opted;
- Offered a comparable level of support as provided to councillors when acting in a scrutiny capacity; and
- Required to attend an induction to the role of co-opted member and any other mandatory training after their appointment, and are invited to attend scrutiny training events

3.0 The standards by which Co-optee's will be expected to be held to.

3.1 Voting co-opted members are by law subject to the Councillors' Code of Conduct and requirements to register disclosable pecuniary and non-pecuniary interests and other specified interests as well as to declare any relevant interests at Council meetings. In accordance with the Code of Conduct, co-opted members also have to declare any other relevant interests in the business being discussed at the meeting. The declaration of registrable interests completed by co-optees will be published in the public domain.

- 3.2 Co-opted members must be entirely independent of Herefordshire Council. A person is unable to be appointed if he/she:
- Holds any paid office with Herefordshire Council;
 - Is an elected or co-opted member of any town/parish council within the County of Herefordshire;
 - Holds any employment in a company which is under the control of the Council;
 - Is a person who has been adjudged bankrupt or made a composition or arrangement with his/her creditors;
 - Has, within five years for the day of his/her appointment, been convicted of any offence and had passed upon him/her a sentence of imprisonment whether suspended or not] for a period of not less than three months without the option of a fine;
 - Has been convicted of a corrupt or illegal practice under Part III Representation of the People Act 1983 [as amended];
 - Is disqualified for membership for a specified period by order of the Court because of his/her involvement in expenditure contrary to the law, and is disqualified from membership for five years following an Auditor's certificate that a loss or deficiency has been caused by his/her wilful misconduct while a member of the Council;
 - Is a close friend or relative of a current employee or councillor of Herefordshire Council; or,
 - Is a member of any political party or group
 - Otherwise holds a position that has the potential for a conflict of interest with Herefordshire Council.

Code of conduct complaints

- 3.3 If the Council receives a complaint or an allegation is made against a voting co-optee, the council will investigate if there are grounds to believe the code of conduct may have been breached and the Monitoring Officer will investigate the allegations in line with the [Arrangements for dealing with complaints about the code of conduct for members](#). If there is a finding of a breach of the code under monitoring officer resolution or a standards panel, the council reserves the right to approach the appointing organisation to request that the co-optee is stood down and that an alternative be put forward.
- 3.5 At any time an appointed co-optee can stand down as a co-opted member of a scrutiny committee by contacting the monitoring officer or their representative.

Appendix 1: Appointment and training process for education co-optees on the children and young people scrutiny committee

Annual meeting of Council	<p>At every Annual meeting of the Council in each May a decision is taken regarding the appointment of co-opted members of the children and young people scrutiny committee. Council is asked to agree the following co-optees form part of the membership of the children and young people scrutiny committee as standard:</p> <ul style="list-style-type: none"> i. one representative as nominated by the diocese of Hereford ii. one representative as nominated by the archdiocese of Cardiff iii. one parent governor as elected from the primary school sector iv. one parent governor as elected by the secondary school sector v. one parent governor as elected by the special school sector <p>Council may resolve to appoint additional co-opted members.</p>
Canvass for co-optees	<p>Following the annual meeting of Council and agreement of the appointment of five co-opted members of the children and young people scrutiny committee (or if possible before the annual meeting):</p> <ul style="list-style-type: none"> 1) Email governor services with information to circulate to all governors providing detail of the Parent Governor Representative (PGR) role and request any expressions of interest for each of the three roles: primary, secondary and SEN sector; and 2) Write to the Diocese of Hereford and the Archdiocese of Cardiff providing detail of the role of the Church Representative co-optees on the scrutiny committee and seeking nominations. The role profile/job description will be included with the correspondence sent. 3) Seek expressions of interest from relevant individuals, groups or bodies to fill any additional roles that may be identified and approved by resolution of Council.
Nomination and election of co-optees	<ul style="list-style-type: none"> 4) In the event that two or more expressions of interest are received for any of the three PGR roles a ballot will be arranged. All governors will be contacted with the details of nominees to roles and they will be asked to vote for their preferred candidate. If there is only one nominee for a role there will not be a ballot. The votes will be collated by governor services and counted by democratic services. 5) Details of the Church Representatives will be received from the Diocese and Archdiocese. 6) In the event that two or more expressions of interest are received for any additional roles identified, appropriate processes, via informal interview, to select the most suitable candidate will be put in place.
Notification of appointment and induction	<ul style="list-style-type: none"> 7) As soon as notification is received or the election process outlined above has been concluded, co-optees appointments will be considered in line with this protocol and those eligible for appointment will be sent:

	<ul style="list-style-type: none"> • the role profile; • blank declarations of interest form and members code of conduct; • induction presentation; and • proposed dates of induction/training. <p>The email to co-optees will outline the mandatory requirement to complete, sign and return the declaration of interest form to democratic services within 28 days.</p> <p>An induction session will be arranged within 28 days of appointment to facilitate compliance with the deadline. In the event that a declaration of interest form has not been received within 25 days there will be an escalation to the statutory scrutiny office/monitoring officer. They will be explicitly informed that failing to complete these forms or attend the training will result in their inability to act as a co-optee for the relevant committees</p>
Induction	<p>8) At the induction session, undertaken individually or as a group, co-optees will receive the following training:</p> <ul style="list-style-type: none"> • The code of conduct and declarations of interest • The role of scrutiny • The role of co-optees • Committee practice; educational matters and voting arrangements • Work programming (including an invitation to the annual scrutiny work programming session). • In addition co-optees will be informed how they can influence work programme items routinely during the course of the administrative year at committee.
Information management	<ul style="list-style-type: none"> • All co-optees, once confirmed in post, will have a dedicated file set up including all of their signed forms and confirmation of training attendance. • Files will be updated annually in the event that the committees have returning co-optees, with all training attendance updated • A record of attendance will be kept for each of the co-optees