

TELFORD & WREKIN COUNCIL

SCRUTINY MANAGEMENT BOARD– 13.09.11

REVIEW OF THE POLICY FOR CO-OPTING SCRUTINY MEMBERS

REPORT OF SCRUTINY GROUP SPECIALIST

1.0 PURPOSE

- 1.1 To enable members to consider and agree the proposed changes to the Policy for Co-opting Scrutiny Members.

2.0 RECOMMENDATIONS

- 2.1 That members agree the proposed amendments shown as tracked changes in Appendix 1 to bring the Policy for Co-opting Scrutiny Members up to date
- 2.2 That members review the requirement in the person specification in paragraph 3.3 that co-optees must not have been a member of Council in the past 4 years, and in doing so take account of the legal considerations set out in paragraph 9
- 2.3 That members agree the process in paragraph 4.4 to sign off the final version of the Policy

3.0 PREVIOUS MINUTES

- 3.1 N/A

4.0 SUMMARY

- 4.1 The Policy for Co-opting Scrutiny Members was adopted in July 2007 and needs to be brought up to date to reflect the existing scrutiny arrangements.
- 4.2 Appendix 1 of this report shows the suggested amendments required to bring the policy up to date, marked as tracked changes.
- 4.3 To ensure independence, the existing Policy stipulates that scrutiny co-optees must not have been a member of the Council in the last 4 years. Members have been asked to review this aspect of the person specification with a view to reducing or waiving the restriction.

- 4.4 The Scrutiny Team will update the Policy to reflect the changes agreed by the Scrutiny Management Board. It is proposed that the changes are signed-off by the Chairman of the Scrutiny Management Board and the final version is then incorporated into the Scrutiny Handbook.

5.0 ISSUES FOR MEMBERS TO AGREE

- 5.1 Members will need to agree the required changes (proposed as tracked changes) to bring the Policy up to date.
- 5.2 Members will need to decide whether to amend the person specification in paragraph 3.3 relating to the 4 year restriction on previous Council members being eligible to become scrutiny co-optees.

The decision relates to the eligibility of previous members to be appointed as scrutiny co-optees, and the recruitment process laid out in the Policy would still apply.

7. Equal Opportunities

Council policies comply with equal opportunities legislation.

8. Environmental Impact

There are no identified environmental impacts arising from this report.

9. Legal Comment

The statutory provisions for the Council's scrutiny function are contained in the Local Government Act 2000 (as amended), the Local Government Act 2003 (as amended) and associated legislation. The appointment of co-optees must comply with the legislation and give due regard to government policy and guidance.

A key element of the appointment of co-opted scrutiny members is their independence. If the Board decide to lift the restriction on co-opting people who have served as elected members within the last 4 years provision should be put in place to ensure that independence remains. For example, a scrutiny review may cover a matter where a co-opted member had recently been involved in the decision-making as an elected member. In such cases it may be considered inappropriate for that co-optee to take part in conducting the review. Accordingly, when considering the issue of time between serving as an elected member and eligibility to apply to be co-opted, the Board should consider whether adequate provisions can be put in place to maintain independence and if so what those provisions should be.

10. Links with Corporate Priorities

Scrutiny co-optees carry out the Scrutiny Work Programme which will be linked to Council priorities and developed in consultation with Executive members.

11. Opportunities and Risks

Changing the time restriction for previous members of the Council to become scrutiny co-optees could enhance the skills and experience available to appoint to the Scrutiny Committees.

There is a risk that previous members may be appointed to scrutiny who are not independent of party politics.

There is a risk that the public perceive such appointments as political or that the public perceive previous members to have an unfair advantage when being considered for appointment.

12. Financial Implications

The cost of administering Scrutiny is funded from their annual revenue budget of £139,570. There is also a separate revenue budget for members' allowances; any financial issues that arise will be highlighted as part of the regular financial monitoring reports.

13. WARD IMPLICATIONS

There are no ward specific implications arising from this report.

14. BACKGROUND PAPERS

None

Report prepared by Stephanie Jones, Scrutiny Group Specialist 01952 383114