

Subject:	Constitution Review – Co-opted Members/Voting Rights		Status:	For Publication	
Report to:	Standards Committee Governance Working Group Council		Date:	21 st June 2011 6 th July 2011 20 th July 2011	
Report of:	Director of Business		Portfolio Holder:	Finance and Resources	
Key Decision:	No – reserved for Full Council	Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
Community Impact Assessment:	Required:	No	Attached:	No	
Biodiversity Impact Assessment	Required:	No	Attached:	No	
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1.	RECOMMENDATION(S)
1.1	To review the current arrangements for Co-opted Members who serve on the Overview and Scrutiny Committees and give them voting rights and make a recommendation to Full Council, if a constitutional change is required.

2. PURPOSE OF REPORT

- 2.1 To review Part 4- 239 Chapter 7 item 2 of the Constitution and make recommendations to Council on any changes required in relation to Co-opted Members and voting rights.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.

5. BACKGROUND AND OPTIONS

- 5.1 At an Overview and Scrutiny Training session on 25th May a request was made to review the current arrangements for Co-opted Members. At present the Council has 2 Co-opted Members who serve on the Overview and Scrutiny Committees, but have no voting rights.
- 5.2 Originally the Local Government Act 2000 Part 2 Section 21 made the provision for Overview and Scrutiny Committees to have Co-opted Members, but with no voting rights. Then the Local Government Act 2003 Part 8 Chapter 1 Section 115 brought in the option for Councils to permit Co-opted Members to have voting rights.

12 (1) A local authority in England may permit a co-opted member of an overview and scrutiny committee of the authority to vote at meetings of the committee.

(2) Permission under sub-paragraph (1) may only be given in accordance with a scheme made by the local authority.

(3) A scheme for the purposes of this paragraph may include—

(a) provision for a maximum or minimum in relation to the number of co-opted members of an overview and scrutiny committee entitled to vote at meetings of the committee, and

(b) provision for giving effect to any maximum or minimum established under paragraph (a).

(4) The power to make a scheme for the purposes of this paragraph includes power to vary or revoke such a scheme.

(5) In this paragraph, references to a co-opted member, in relation to an overview and scrutiny committee of a local authority, are to a member of the committee who is not a member of the authority.

5.3 Members of the Standards Committee are asked to review the current arrangements for Co-opted Members which is on page 239 and worded as follows and consider the wording of Appendix A:

2. Co-optees

The Overview and Scrutiny Committees shall be entitled to appoint persons who are not members of the Authority in a non-voting capacity.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no material financial implications.

7. MONITORING OFFICER

7.1 The Local Government Act 2003 makes provision for Council's to agree a scheme whereby co-opted members can be appointed to Overview and Scrutiny Committees with voting rights.

8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

8.1 There are no HR implications.

9. CONSULTATION CARRIED OUT

9.1 Statutory Officers, Legal Officers and Committee and Member Services.

10. CONCLUSION

10.1 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document. Allowing voting rights for Co-opted Members on scrutiny meetings would facilitate a higher degree of accountability.

Background Papers

Document	Place of Inspection
The Constitution of the Council	www.rossendale.gov.uk/constitution