

# ENVIRONMENT AND PLACE OVERVIEW AND SCRUTINY COMMITTEE



Report subject	<b>Appointment of Independent co-opted members to Environment and Place Overview and Scrutiny Committee</b>
Meeting date	6 December 2023
Status	Public Report
Executive summary	<p>It was agreed as part of the recommendations on the Council's Overview and Scrutiny Structure, which were considered by the Council at its meeting on 30 September, that the Environment and Place Overview and Scrutiny (E&amp;P O&amp;S) Committee be permitted to appoint two independent co-opted members. The selection and recruitment process for the co-opted members is to be approved by the committee.</p> <p>Informal discussions have indicated that there is agreement that the principle of co-opted independent members to contribute to the committee is supported. At its last meeting the committee requested a report be brought forward to consider the issue.</p> <p>There are a number of decisions required to enable suitable recruitment, through open advertisement, to the E&amp;P O&amp;S Committee.</p> <p>The recommendations in this report will help shape that recruitment process, with an aim to have two co-opted members in place for the beginning of the next municipal year.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <ol style="list-style-type: none"> <li><b>1. Two independent members be co-opted to the BCP Council Environment and Place O&amp;S Committee.</b></li> <li><b>2. The term of appointment will be for an initial 3 years with an option for a further 2 years if mutually agreed.</b></li> <li><b>3. A selection and recruitment panel be created, comprising of the Chairman of the Committee and two other Committee members. The panel will be supported by the Monitoring Officer and Scrutiny Officer.</b></li> <li><b>4. Each independent co-opted member appointed under these arrangements be entitled to the Co-opted and Independent Members' Allowance as defined in Part 7 of the Constitution (currently £1,084 per annum).</b></li> <li><b>5. Following the recruitment process, a report from the panel</b></li> </ol>

	<p>is presented to the next available Environment and Place O&amp;S Committee, which outlines the process and the panel's recommendations. This report will be considered by the Environment and Place O&amp;S Committee to formally approve the appointments.</p> <p><b>6. The Committee delegate to the Monitoring Officer in consultation with the Chair of the Environment and Place O&amp;S Committee,</b></p> <ul style="list-style-type: none"> <li>• <b>any changes to the role profile and person specification required;</b></li> <li>• <b>operational details associated with recruitment, shortlisting and interviews.</b></li> </ul> <p><b>following the approved recommendations 1 to 5 above and in accordance with BCP Council policies.</b></p>
Reason for recommendations	<p>The appointment of independent co-opted members to the Environment and Place Overview and Scrutiny Committee could bring greater expertise to the committee in relation to specific issues. A co-opted member may, by virtue of their background and experience, have insights and perspectives that others on the committee do not. Appointing co-opted members to provide more diverse representation on a committee should be encouraged and welcomed.</p> <p>Further reasons for the individual recommendations are outlined within the body of the report.</p>
Portfolio Holder(s):	Not applicable
Corporate Director	Ian O'Donnell, Corporate Director for Resources
Report Authors	Claire Johnston, Senior Democratic and Overview & Scrutiny Officer
Wards	Council-wide
Classification	For Decision

## Background

1. Following the elections in May 2023, the new administration indicated a desire to review the arrangements for Overview and Scrutiny. Proposals for a change to the O&S structure were considered by the Constitution Review Working Group.
2. A report on proposed changes to the structure of Overview and Scrutiny at BCP Council was considered by the Audit and Governance Committee at its meeting on 7 September 2023. The report outlined a number of proposed changes to the structure which, amongst other issues included:

- the remit of the renamed Environment and Place Overview and Scrutiny Committee be narrowed slightly, thus increasing the ability of the committee to examine issues in greater detail from a sustainability perspective;
  - the Environment and Place Overview and Scrutiny Committee being permitted to appoint two independent co-opted non-voting members to the committee. The selection and recruitment process to be presented and approved by the committee, if approved by Council.
3. The Environment and Place Overview and Scrutiny Committee considered the decision of Council to permit the committee to appoint up to two independent co-opted members and after discussion requested that a report outlining the process be brought to the attention of the committee.

### **Independent Co-opted member(s) appointment**

4. Co-opted members can bring different perspectives and valuable input into the Council's Overview and Scrutiny Structure. Their definitive role will depend on what capacity they are appointed, which could be as representatives of an organisation or an interest group or they may be co-opted for their expertise or experience.
5. This report proposes an option for the committee to consider appointing co-opted members who are non-councillors who are suitably qualified with experience in the areas within the remit of the Environment and Place Overview and Scrutiny Committee. The purpose of the co-opted members would be to bring specialist knowledge and insight to the workings and deliberations of the committee.
6. Co-opted members will sit alongside other members of the committee and will be able to hear evidence, ask questions and contribute to the deliberations of the committee. Co-opted members will not have a vote in the same way as an elected councillor of the committee and will be part of the committee in an advisory and consultative manner. This was agreed by Council in September 2023 and is set out in the Constitution at Part 2, 6.8.1
7. Non-statutory co-opted members will be required to comply with the Council's code of conduct, and they are expected to observe the principles governing behaviour in carrying out their duties in same way as elected councillor members of the committee. A draft role description and person specification is attached as Appendix A for information. It contains specific best practice definitions and eligibility criteria for individuals to be reasonably considered independent, in the context of this role.
8. A BCP Council recruitment and selection Panel will be created to oversee the process. This Panel will present a report to the next available (after the process has provisionally concluded) Environment and Place O&S Committee and make a recommendation on the appointments.
9. A communication strategy to advertise the roles will include BCP Council website and social media platforms.

### **Decisions and Options**

10. **Decision 1** – To agree to appoint co-opted independent members to the Environment and Place O&S Committee.

Options – The Council agreed that the appointment of co-opted members to the committee was a matter for the committee to decide. The committee may choose to

appoint up to two co-opted members or may choose not to appoint any co-opted members at all.

Reason for recommendation – co-opted members would help to strengthen wider public engagement in the Council's Overview and Scrutiny process and also brings a non-politically aligned voice to the process. These members could provide the O&S function with added community insight and be advocates for scrutiny as well as potentially being able to contribute subject expertise to the committee.

11. **Decision 2** – To agree the term of appointment.

Options – There is no indication from Council on the proposed length of the term of office for the co-opted members on the Environment and Place O&S Committee. The proposal is for an initial three years, with the option to extend for a further two years. Some O&S co-opted members' terms of office are for a maximum period of four years whilst other independent co-opted members' periods of office are two years.

Reason for recommendation - It would be inefficient and time consuming to seek annual appointments. A term of office for three years from May 2024 would align with the timetable for local government elections. It would then also bring the term of office in line with the co-opted members of other Overview and Scrutiny bodies. Following the initial appointment period all appointments would be for two years with the option to extend for a further two-year period by mutual agreement. A three plus two year appointment strikes a pragmatic balance for the initial co-opted members.

12. **Decision 3** - To agree the construct of the Panel, to shortlist and interview.

Options – The recommendation is for the committee to agree that a **panel of three** should be formed comprising:

- The Chair of the Environment and Place O&S Committee
- Two further Environment and Place O&S Committee elected members, who are either volunteers or to be selected by the Chair.

The committee may wish to consider an alternative selection process including whether appropriately qualified officers could be involved in providing additional subject expertise support.

The Panel would be supported by the Monitoring Officer and Scrutiny Officer.

Reason for recommendation – It is fair and reasonable for the committee to select the suitable individuals to augment the elected members of the committee with independent members. The provision for this has already been agreed by Council. Officers will provide the Panel with support throughout the process.

13. **Decision 4** – To agree an allowance payable to each independent co-opted member.

Options – It is recommended that the appointments be entitled to the 'Co-opted and Independent Members' Allowance as defined in Part 7 of the Constitution. The current allowance is £1,084 per municipal year payable to each independent

member. There is no requirement for any remuneration to be paid to co-opted members on Overview and Scrutiny O&S Committees.

Reason for recommendation - This figure is the same as that paid to the co-opted members on other Council committees and has been set by an independent remuneration panel. This figure may be reviewed by the independent remuneration panel to take into account this specific role and may therefore be subject to change if the committee agree that an allowance should be paid. The allowance should be fair and reasonable but not so large that it may compromise the independence of the individual receiving it. Allowances paid to co-opted members vary across different Local Authorities.

No specific budget exists within BCP Council for this allowance but has been included in the projected budget for 2024/25. Approved amendments to the Scheme of Allowances would be included in the Scheme of Members' Allowances approved at the annual meeting of Council.

### **Summary of financial implications**

14. See decision 4. The full year cost if the recommendation at decision 4 is agreed would initially be circa £2,200. This will rise in-line with agreed pay awards and would be subject to review by the independent remuneration panel.
15. No specific budget exists within BCP Council for this allowance. However, the Head of Democratic Services has limited but sufficient flexibility to absorb this relatively small additional cost within existing budgets on an ongoing basis, so no additional budget allocation is required. The amount forms part of the projected budget for 2024/25 for members allowances.

### **Summary of legal implications**

16. There is currently no statutory requirement for co-opted members to be appointed to Overview and Scrutiny Committees except in the case of a committee with responsibility for the education function.
17. In relation to the appointment of co-opted members to Overview and Scrutiny Committees, this power is conferred by s9FA(4) and (5) of the Local Government Act 2000. This provides for the co-option of a person onto a committee to occupy a non-voting position.
18. The decision in principle to appoint co-opted member(s) to any of the Overview and Scrutiny Committees is for Council to determine, with the Council agreeing to allow the facility to appoint in September 2023. This is reflected in Article 6 of the Council's constitution. The Council has delegated the decision as to whether or not to pursue appointment of co-opted members to the Environment and Place O&S Committee to the committee itself.

### **Summary of human resources implications**

19. Co-opted members will be required to comply with the Council's Code of Conduct for Members, which sets out standards of behaviour expected from all members. Additionally, they will be requested to complete a Declaration of Interests form in accordance with the code of conduct.

### **Summary of sustainability impact**

20. There are no direct sustainability impact implications from this report.

### **Summary of public health implications**

21. There are no direct public health implications from this report.

### **Summary of equality implications**

22. Applications for the position(s) of Independent Co-opted member(s) to the Committee will be open to all residents over the age of 18 in BCP Council and will be carried out in accordance with the Council's duties under the Equality Act 2010.

### **Summary of risk assessment**

23. Subject to adequate vetting procedures and adherence to the Person Specification, this initiative should provide additional expertise, and the contribution of different perspectives and provide an opportunity for community engagement through a role in the scrutiny of the Council.

### **Background papers**

Council Agenda and Reports – 12 September 2023

### **Appendices**

Appendix A – DRAFT Committee Independent Member Role Profile and person specification

**DRAFT Environment and Place Overview and Scrutiny Committee Independent Co-opted Member Role Profile and Person specification**

**Do you have the time and skills to make a positive and independent contribution to Bournemouth Christchurch and Poole Council's Environment and Place Overview and Scrutiny Committee?**



**Background:**

Bournemouth Christchurch and Poole (BCP) Council is currently looking for two independent co-opted members to join its Environment and Place Overview and Scrutiny Committee to contribute to enhancing the contribution of the Council's Overview and Scrutiny function from approximately May 2024.

As a co-opted member you will serve an initial term of 3 years, the option to renew for a further 2 year term may be mutually agreed. Thereafter the Council will seek to appoint new independent members.

You will receive an annual allowance payable to co-opted and independent members of £1,084 (TBD - current rate, 23/24) payable monthly in arrears. This figure is set by an independent remuneration panel and may be subject to change.

Notice of intent to resign from the role can be given at any time, no 'period of notice is required'.

As an independent co-opted member you will be required to comply with the Council's Code of Conduct for Members, which sets out standards of behaviour expected from all members. Additionally, you will be required to complete a Declaration of Interests form on the basis set out in the Code of Conduct.

The estimated time commitment required to undertake the role will vary, on average it would involve attendance at approximately 5 evening meetings a year. Typically, these meetings will start at 6pm and last approximately 2 to 3 hours. There will be a need for associated reading of the prepared reports and papers. Meetings will tend to be in person at the BCP Council Bournemouth Civic Centre. There may be informal meetings or working groups held throughout the year. These may be in person or electronically. There will also be opportunities for training to assist co-opted members in carrying out their role. As independent members have no voting rights it will be possible to attend meetings electronically, although attendance in person is preferred.

Please note BCP Council Overview and Scrutiny Committee meetings are held in public, live streamed and recorded.

### **Brief Role Description:**

- To be an independent non-voting member of the Environment and Place Overview and Scrutiny Committee, providing external challenge and support.
- To prepare for each meeting by reading the agenda papers and additional information to familiarise yourself with the issue under scrutiny. Prior to the meeting consider the questions you may wish to put to Cabinet Members, Officers and external witnesses.
- To act as a non-party political voice for the residents of BCP Council.
- To provide challenge and ask questions that draw out relevant facts and explanations.
- To bring specialist knowledge and/or skills to the scrutiny process and/or to bring an element of external challenge.
- To seek understanding and provide solutions.
- To take an interest in, attend and contribute to any working groups to which you are appointed.
- To establish good relations with other members, officers and co-opted members.
- To abide by the relevant sections of the Council's Constitution in terms of the rules and procedures for Scrutiny, Committee proceedings and the Code of Conduct.

### **Person Specification**

Persons interested in the role should have:

- A keen and genuine interest in achieving improvements in public services for local people.
- The ability to communicate effectively and build good relations with other members and officers.
- A respect for confidentiality.
- Respect for the views of others and the ability to consider issues in a fair and non-judgemental way.
- The ability to problem-solve and look for innovative new ways of working that will achieve improvements in services.
- An interest in local government and those areas within the remit of the committee.
- An awareness of the key priorities for the Environment and Place O&S Committee and BCP Council in general in providing services to local people.
- The need for a high degree of sensitivity and discretion.
- Previous experience of environmental or housing issues would be advantageous.
- Good IT skills including the ability to access reports and information electronically.
- The ability to work as part of a team and contribute to the work of the committee.



- The ability to demonstrate objectivity, integrity and discretion in decision making.

### **Eligibility:**

To be eligible to become a BCP Council Independent member of the Environment and Place O&S Committee you should:

- Not be active in local or national politics.
- Not be a member of a political party, pressure group or a member of an organisation or association which is not open to the public without formal membership and/or commitment of allegiance and/or has secrecy about rules or membership or conduct.
- Not have a close relationship with any councillor or officer of the Council.
- Not have current business dealings with the Council, such as providing works, goods or services, which the Council considers to be significant.

The following persons cannot be an independent co-opted member:

- You must not be a BCP Council councillor or officer
- You must have no unspent criminal convictions.
- You must not be declared undischarged bankrupt.
- You must not be under the age of 18.

### **Application**

If you are interested in being considered, please send an email (no more than 1000 words) detailing your skills, knowledge and experience that are applicable to the role to [scrutiny@bcpcouncil.gov.uk](mailto:scrutiny@bcpcouncil.gov.uk)

Please also include your own contact details and those of one referee.

BCP Council promotes equal opportunities, applications are welcome from all sections of the community irrespective of race, gender, gender reassignment, age, disability, sexuality, religion or belief.

The Terms of Reference for the BCP Council Environment and Place O&S Committee are attached to this advert. Other information is available on request from the Director of Law & Governance (Monitoring Officer) or Overview and Scrutiny Specialist on xxx.

Environment and Place Overview and Scrutiny Committee information can be viewed here:

<https://democracy.bcpccouncil.gov.uk/mgCommitteeDetails.aspx?ID=610>

For an informal chat about the role please contact the Overview and Scrutiny Specialist on xxx

The closing date for receipt of applications is xxxx. A short-listing exercise and interviews will follow shortly afterwards.

Any interview panel will comprise:

- The Chairman of the Environment and Place O&S Committee (or their delegate)
- Plus two other members of the committee

The Monitoring Officer and Overview and Scrutiny Specialist will support the interview panel as required during shortlisting and interviews.