



Report title: Co-Option of Independent member from Constituent Councils

To: Overview and Scrutiny Committee

Meeting Date: 13 June 2022

Public report: Yes

From: Robert Parkin
Chief Legal Officer and Monitoring Officer

Recommendations: The Overview & Scrutiny Committee is recommended to

- a) Consider the co-option of an independent member (and substitute) from a Constituent Council.

Voting arrangements: A simple majority of all Members

1. Purpose

- 1.1 The purpose of the report is to ask the Overview and Scrutiny Committee to consider the appointment an independent member (and substitute), from a Constituent Council for the ensuing year.

2. Background

- 2.1 The Combined Authority at its Annual General Meeting on 8 June 2022 confirms the appointment of members nominated by constituent councils to the Overview and Scrutiny Committee.
- 2.2 The Board also requests that the Overview and Scrutiny Committee consider the co-option of an independent member (and substitute) from a Constituent Council for the municipal year 2022/23. The substitute will not necessarily be required to be a named substitute from the same Constituent Council.
- 2.3 In the Centre for Governance and Scrutiny (CFGs) guidance - [Overview and scrutiny in combined authorities: a plain English guide \(2nd Edition\)](#) it is stated that co-opted members can be:



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- *local people with a particular expertise, or who are connected with another local organisation or body*
- *Co-optees can bring to bear a different perspective to that of elected members and providing particular subject expertise as well (depending on who is appointed)*

However, CGFS also state that co-option should only be pursued when there is ‘*an obvious skill or capacity gap on the Committee that cannot be met any other way*’.

When appointed, co-optees ought to be treated as full members of the Committee with just as much right to participate in debate and discussion as any other member – with the critical difference that they do not hold voting rights.

- 2.5 An appointment would not compromise the political balance of the Committee. The co-opted member (and substitute) is without voting rights but may be given voting rights by resolution of the combined authority.
- 2.6 If the Committee wished to pursue co-opting an Independent Member (and substitute), this would be actioned by recommendation to the Combined Authority including amendment to the Constitution, formally allowing for co-opted members. A process of selection would follow which could include seeking expressions of interests with a random selection made by an independent officer of the authority, witnessed by the Monitoring Officer.

3. Financial Implications

- 3.1 In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, no remuneration is to be payable by the Combined Authority to its members including co-opted members of the Overview and Committee.

4. Legal Implications

- 4.1 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 provides for members of the Overview and Scrutiny Committee appointed from the constituent councils and those who are appointed other than from the constituent councils. The CFGS guidance referred to within the main body of the report describes three categories of members:

1. *Members of the committee appointed from a constituent authority. These members have a vote and are taken into account for the purpose of political proportionality.*



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Such members would be nominated by their home authority, subject to proportionality requirements...

2. *Members of the Committee appointed from a non-constituent authority. These members do not have a vote. Such members would be nominated by their home authority....*
3. *Members of the Committee who are co-opted, because of their skills and experience, or for some other reason. These members do not have a vote and are not taken into account for the purpose of political proportionality. A separate appointment process will be required for these people.*

- 4.1 The appointment of an Independent Member (and Substitute) would fall under 'some other reason' as described above. An amendment to the Constitution would formalise this approach and a fair and transparent process would need to be implemented for such appointments.
- 4.2 The Committee also has the option to recommend to the Combined Authority the appointment of a co-opted member to address a skill and/or capacity gap. This approach would more closely align with CFGS guidance.

5. Background Papers

- 5.1 [CA Board Agenda and Decision Summary 8 June 2022](#)