

EXTRACT OF STATUTORY GUIDANCE SHOWING CHANGES RELATING TO CO-OPTED MEMBERS OF OVERVIEW AND SCRUTINY COMMITTEES

Status of this Guidance

8.1 This is statutory guidance made under Section 76 of the Local Government (Wales) Measure 2011 (the Measure). It relates to the co-option of persons that are not members of local authorities onto their overview and scrutiny committees in accordance with section 21 of the Local Government Act 2000. This guidance replaces previous guidance issued in 2012.

Purpose of this Guidance

8.2 The purpose of this guidance is to provide a framework for councils to consider when appointing co-opted members to overview and scrutiny committees. In particular it requires councils to have regard to how co-option could bring a wide range of different skills and increased diversity to overview and scrutiny committees.

Policy Intent

8.3 Co-option of members to overview and scrutiny committees who are not councillors is a way to build a more diverse membership. It can provide a way to support broader public participation in local democracy and should form part of the council's strategy on encouraging participation as required by section 40 of the Local Government and Elections (Wales) Act 2021.

8.4 In making arrangements for co-option, councils might:

- **Think about the needs of under-represented groups, and the barriers that might otherwise exist for such groups to engage with the business of the authority;**
- **Consider co-option alongside other methods of assuring public participation such as inviting people with valuable perspectives and experience to engage as witnesses or technical advisers as co-option may not always be the best way to garner the views and experience of some people.**

8.5 Co-opted members on committees can significantly strengthen their effectiveness by bringing different perspectives. Whilst co-option is only one method by which the views of stakeholders can help shape the work of scrutiny committees, it is considered by the Welsh Government to be an important tool in achieving 'buy-in' from representative groups and individuals that may otherwise be disengaged from local decision-making processes. Co-option can serve to strengthen Members' community leadership role through the provision of alternative perspectives and the facilitation of stronger area-based networks and contacts.

8.6 The Welsh Government considers that including a broader range of specialists, community representatives and service-users in scrutiny exercises is advantageous, and that proactively engaging co-optees in scrutiny activity, enables elected members to send powerful messages about involving people and partners through their own structures and practice.

Voting rights and Code of Conduct

8.26 The Measure does not afford co-opted members of scrutiny committees with any voting rights. **Consequently, they are therefore not bound by statute to comply with the Code of Conduct for Elected members as provided for by Part 3 of the Local Government Act 2000. However, co-opted members should be encouraged to abide by the principles set out in the code and conduct themselves to the highest standards of ethical behaviour.** There are other statutory co-optees whose roles attract voting rights. These include: those members co-opted under the provisions of paragraph 8 to Schedule 1 to the Local Government Act 2000, the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009. **Any members co-opted under these provisions are required by law to comply with the Code of Conduct.**