



Purpose: For Decision

Name of meeting	FULL COUNCIL
Date	15 SEPTEMBER 2021
Title	SCHEME OF CO-OPTION – VOTING RIGHTS SCHEME
Report of	MONITORING OFFICER

EXECUTIVE SUMMARY

1. The purpose of this report is to give effect to the decision of the Full Council made on 21 July 2021 to restore the voting rights of the co-opted IWALC (Isle of Wight Association of Local Councils) member on the Corporate Scrutiny Committee.
2. This requires the Full Council to have in place an agreed scheme of co-option (referred to as a ‘voting rights scheme’), and so Full Council is being requested to approve such a scheme.

BACKGROUND

3. Overview and scrutiny committees may include a person who is not a member of the local authority. In other words, a person may be co-opted on to an overview and scrutiny committee.
4. Full Council decided at its most recent meeting that a member of IWALC should be a voting member of the Corporate Scrutiny Committee.
5. A co-opted person normally has no voting rights (subject to statutory exceptions).
6. Voting is, therefore, statutorily dependant upon being given permission to exercise the right to vote.
7. Permission to vote can be granted under the terms of a statutory scheme of co-option i.e. a voting rights scheme being approved and having been duly published.

8. Councillors are therefore recommended to grant voting rights within the limitations of the voting rights scheme and to approve the scheme in the Appendix, and to grant delegated authority to undertake the publishing requirements.

STRATEGIC CONTEXT

9. Good governance arrangements are essential to the delivery of the council's services and the decision-making process that support this.

CONSULTATION

10. Consultation with Cllr Lora Peacey-Wilcox, Cllr Steve Hastings, and all ungrouped members

FINANCIAL / BUDGET IMPLICATIONS

11. There are no additional costs associated with the proposals contained in this report. The recommendations accord with the resources available within the overall budget agreed by Full Council in February 2021.

LEGAL IMPLICATIONS

12. An overview and scrutiny committee (or any sub-committee of such a committee) may include persons who are not members of the local authority (see section 9FA (4) of the Local Government Act 2000).
13. The Full Council has the power to appoint to an overview and scrutiny committee, and an overview and scrutiny committee has the power to appoint to one of its sub-committees (see section 9FA (7) of the Local Government Act 2000).
14. No co-opted person is entitled to vote unless permitted to do so under the terms of a voting rights scheme (see section 9FA (5) of the Local Government Act 2000).
15. There are limitations to what voting rights can be granted under paragraph 11 of Schedule A1 to the Local Government Act 2000. Such a voting rights scheme does not apply to any overview and scrutiny committee when it is acting in its capacity as the Council's crime and disorder committee under section 19 (1) of the Police and Justice Act 2006. The Corporate Scrutiny Committee acts, inter alia, as the statutory crime and disorder committee.
16. Under regulation 3 (1) and (2) respectively of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 (as amended) made under section 20 (5) of the 2006 Act, a person to be co-opted to serve on a crime and disorder committee undertaking crime and disorder functions is co-opted by the crime and disorder committee, and such a co-opted person is not entitled to vote on any particular matter unless the crime and disorder committee so determines. Eligibility to co-opt and to vote in this crime and disorder committee function context is, therefore, to be determined under these regulations by the crime and disorder committee i.e. by the Corporate Scrutiny Committee, and not by the Full Council.

EQUALITY AND DIVERSITY

17. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is not considered that the content of this report has any negative impact on any of the protected characteristics.

OPTIONS

18. To approve the scheme of co-option (voting rights scheme), and to grant delegated authority to the Monitoring Officer to publish the statutory notice in one or more newspapers circulating in the area.
19. To disapprove the scheme of co-option (voting rights scheme).

RISK MANAGEMENT

20. The recommendations are to implement the decision of the Full Council made on 21 July 2021.

EVALUATION

21. If the decision made by the Full Council on 21 July 2021 is to be implemented, then a voting rights scheme needs to be approved and published.

RECOMMENDATIONS

22. That the scheme of co-option (voting rights scheme) set out in the Appendix be approved.
23. That the Monitoring Officer be granted delegated authority to publish the statutory notice in one or more newspapers circulating in the area.

APPENDICES ATTACHED

24. Appendix: Scheme of Co-option (Voting Rights Scheme).

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