

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## PART 6D

### Scheme of Co-option

- 1.1 The Localism Act 2011 introduced a requirement for councils to establish a scheme of co-option for all non-elected Members with voting rights. Without such a scheme, it is no longer possible for non-elected representatives to become co-opted Members and hold voting rights. The scheme does not cover the co-option of independent non-voting co-opted Members onto other Committees.
- 1.2 The purpose of this scheme of co-option is to:
- Formalise the appointment of co-opted Members
  - Outline the role and expected contribution of co-opted Members
  - Clarify the induction to be provided to co-opted Members and the support and training to be made available
  - Provide the Scrutiny & Overview Committee with the opportunity to appoint further co-opted Members
- 1.3 Co-opted Members can provide scrutiny committees with outside knowledge, experience and skills that can inform the work of scrutiny and supplement the role of councillors. In Croydon there are four co-opted Members with full voting rights required by statute: two Parent Governor representatives, a representative from the Church of England diocese and a representative from the Roman Catholic archdiocese. There are also two further co-opted Members who do not have voting rights: a teacher representative and a representative from the Healthwatch (Croydon).

## 2. Statutory Co-opted Members

- 2.1 The Parent Governor representatives and the arch/diocesan representatives on the Scrutiny Sub-Committees exercising education function are required by law (*The School Standards and Framework Act 1998 for Parent Governors and the Education Act 1996 for Diocesan representatives*). The legislation explains that these co-opted Members will have full speaking and voting rights for any decisions relating to education and school matters. Parent Governor representatives are elected by the Borough's parent governors, but once co-opted their role is to be an apolitical voice for *all* parents in the area. The Church of England and Roman Catholic representatives are nominated by the Bishop and Archbishop of Southwark respectively. Co-opted Members have the same rights of access to information as councillors, and are required to comply with the same code of conduct.

## 3. Non-statutory Co-opted Members

- 3.1 Scrutiny committees, and sub-committees, can also choose to appoint non-statutory co-opted Members. Currently in Croydon there are two non-statutory co-opted

Members: a teacher representative and the Healthwatch (Croydon) representative. These non-statutory co-opted Members do not have voting rights and are co-opted at the discretion of the Scrutiny & Overview Committee, which can also rescind the appointment if it feels it is necessary.

3.2 Scrutiny committees, or sub-committees, have the power to appoint these additional co-opted Members if it is judged that they will be beneficial to the committee as it carries out its work. Before appointing any additional co-opted Members, the committee, or sub-committee, should demonstrate that it has considered the composition of the local community to ensure it is as representative as possible. An over-representation of any particular specialist area should also be avoided and the elected Members of the committee should always have a majority over co-opted Members.

3.3 Non-statutory co-opted Members will usually (but not exclusively) be representatives of specific organisations relevant to the work of the committee. The appointing committee should invite the organisation to make an appropriate nomination, although a vacancy can be advertised more widely if the committee agrees it would be beneficial. Anyone who lives, works (including voluntary work) and/or studies in Croydon is eligible to be a non-statutory co-opted Member, except if they are a Croydon Council Member. In approving an appointment, the committee will be mindful of the potential for any ongoing prejudicial interests between, for example, the co-opted Member's paid employment and the work of the committee.

#### **4. Terms of Office**

4.1 Co-opted Members will usually be appointed for a term of office of four years. Towards the end of a term of office, the appointing committee will consider whether that non-statutory co-opted post is still required. If it is, the existing co-opted Member will be asked whether they wish to continue in their role. At this time, the committee may also decide to advertise the vacancy more widely. Non-statutory co-opted Members can be disqualified during their term of office if they do not attend four consecutive meetings of the committee to which they have been co-opted without giving an apology; or if they are elected as a Member of Croydon Council. If they have been appointed on the basis of representing a particular organisation, then their term of office will also end if they resign or are disqualified from being a Member of that organisation, or if that organisation ceases to exist. It is the responsibility of the co-opted Member to inform the Council if a circumstance arises that they believe disqualifies them from continuing in their term of office. Co-opted Members can also resign during their term of office if they feel that they can no longer fulfil the requirements of the role. Non-statutory co-opted Members can also be appointed for a shorter period to be involved with a specific piece of work, for example a task and finish group.

#### **5. Powers and responsibilities**

5.1 Statutory and non-statutory co-opted Members will:

- Be entitled to speak on any matter that is discussed by the committee to which they have been appointed
- Be encouraged to contribute to the development of the scrutiny work programme and propose agenda items for future meetings

- Have full voting rights on all education matters (excluding any non-statutory co-opted Members)
- Be eligible to chair a scrutiny committee, sub-committee or task & finish group
- Be required to comply with the Members' Code of Conduct and register and declare disclosable pecuniary interests as required
- Be expected to attend all meetings of the committee to which they have been appointed having read the agenda papers
- Bring an external perspective to the work of scrutiny by utilising their specialist knowledge and experience
- Be expected to represent the whole community and not just one sector or viewpoint
- Act independently of party politics and lobbying interests
- Be responsible for keeping the organisation or interest they were appointed to represent informed and engaged in scrutiny
- Be expected to treat other committee Members, officers and external witnesses with respect
- Be required to recognise that they may encounter sensitive information and to act with discretion

## 6. Support for Co-opted Members

6.1 All co-opted Members will be provided with a comparable level of support to the elected Members. This will include:

- All summons, agendas and committee reports will be sent to co-opted Members at the same time as elected Members and will comply with the public access to information regulations
- An induction will be provided for new co-opted Members that will outline their expected contribution to scrutiny and familiarise them with the Members' Code of Conduct
- Co-opted Members will be invited to attend Member training sessions that relate to their role on scrutiny
- Co-opted Members will not receive an allowance or salary

## 7. Why co-opt

Co-option is a way of ensuring that under represented voices are represented on Council committees. The Equality Act 2011 (section 149 places a public sector equality duty (section 146) on the council. The duty requires the Council to have due regard to *the need to advance equality of opportunity* between persons who share a relevant protected characteristic and persons who do not share it;

Having "due regard" to the need to advance equality of opportunity involves having due regard, in particular, to the need to *encourage persons* who share a relevant protected characteristic *to participate in public life* or in any other activity in which participation by such persons is disproportionately low.