

# CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

## PART 6D

### SCHEME OF CO-OPTION

- 1.1 This scheme applies to all Co-opted Members whether they are voting or non-voting. The scheme covers the co-option of voting and non-voting co-opted Members onto current Committees as detailed in sections 2 - 10 below.
- 1.2 The purpose of this scheme of co-option is to:
- Bring together in one document the various provisions in place for co-option across the Committees and statutory Boards of the Council. 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
- 1.3 Co-opted Members can provide committees with outside knowledge, experience and skills that can inform the work of the Committee and supplement the role of councillors.
- 1.4 All Co-opted Members (voting and non-voting) and any appointees to Task and Finish Groups are subject to the Members' Code of Conduct, Part 5I of the Constitution.
- 2. Co-opted Members on Scrutiny and Overview Sub-Committees required by Statute**
- 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. Voting Co-opted Members on Scrutiny and Overview have the same rights of access to information as councillors in relation to their role on Scrutiny and Overview.
- 3. Co-opted Members on Scrutiny and Overview Sub-Committees appointed at the Committee's discretion**
- 3.1 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 The Scrutiny and Overview Committee has 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 recommending any additional co-opted Members to full Council for appointment, the 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 These co-opted Members will usually (but not exclusively) be representatives of specific organisations relevant to the work of the committee. The recommending 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 co-opted Member, except if they are a Croydon Council Member or Croydon Council Officer. 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 and there are declaration requirements placed on any such appointees.

#### **4. Appointments and Disciplinary Committee Co-opted Members**

4.1 The independent voting Co-optees on the Appointments and Disciplinary Committee are appointed to consider specified disciplinary matters.

4.2 Where the Appointments and Disciplinary Committee is giving consideration to dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer, the Appointments and Disciplinary Committee shall include at least two voting co-opted Independent Persons.

#### **5. Ethics Committee Co-opted Members**

5.1 The Independent non-voting Co-optees are required to be appointed by statute and are invited to attend all meetings of the Ethics Committee and their views are sought and taken into consideration before the Ethics Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

#### **6. Audit and Governance Committee Co-opted Members**

6.1 Appointments and Disciplinary Committee recommends to Council the appointment of the independent (non-voting) Chair of Audit and Governance Committee. The Audit and Governance Committee appoints one further independent non-voting co-opted committee member.

## **7. Pensions Board Members**

- 7.1 The Pension Board, with an independent non-voting Chair, is formed of three voting employer representatives and three voting representatives of the Pension Fund. The Board secures the effective and efficient governance and administration of the Croydon Council Pension Fund.

## **8. Pensions Committee Co-opted Members**

- 8.1 The Pensions committee includes 1 Staff Side non-voting co-opted member and 2 Pensioner Side co-opted Members (1 of whom is a voting co-opted member and one of whom is a non- voting co-opted member).
- 8.2 Staff side and Pensioners' side members are appointed on an annual basis following consultation with the Staff side and Pensioners of the Pension Fund.
- 8.3 Two representatives of Pensioners of the Fund are elected by ballot of Pensioners of the Fund, one of whom shall be a voting member and one of whom shall be a non- voting member. The representative with the most votes following the ballot of Pensioners of the Fund shall be the voting member. The other representative of the Pensioners of the Fund shall be non-voting however is permitted to exercise a vote only in the absence of, and on behalf of, the voting representative. The ballot is normally undertaken every 3-4 years.

## **9. Appointees to Panels/Forums**

- 9.1 Panels and forums are not regarded as Committees of the Council, nor are appointees to such forums regarded as co-optees. As such they are not subject to the Code of Conduct requirements placed either on voting or non-voting co-optees of the Council.

## **10. Terms of Office**

- 10.1 Subject to the requirements of the Committee in question, Co-opted Members will usually be invited to serve for a term of office of four years but be appointed annually at Full Council. Towards the end of a term of office, the relevant committee will consider whether any non-statutory co-opted post is still required. If it is, the committee shall advertise the vacancy by means appropriate to the nature of the vacancy, which will usually include via the Council's website.
- 10.2 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; if they fail to adhere to the Code of Conduct which applies to them or if they are subsequently elected as a Member of Croydon Council.
- 10.3 Where Co-optees are appointed on the basis of representing a particular organisation or group, then their term of office will also end if they resign from or are disqualified from being a Member of that organisation or representative

of that group, or if that organisation/group ceases to exist.

- 10.4 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.
- 10.5 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.
- 10.6 Non-statutory co-opted Members can also be appointed for a shorter period, for example, to be involved with a specific piece of work.

## **11. Powers and responsibilities**

11.1 Co-opted Members will:

- Be required to comply with the Members' Code of Conduct and register and declare/ register and notify interests as required by the Code.
- Be expected to agree, in writing, to abide by the Code.
- Be entitled to speak on any matter that is discussed by the committee to which they have been appointed provided that it falls within their remit (for example on Appointments and Disciplinary Committee and Audit and Governance Committee, the co-optees are only appointed for specific purposes)
- Be encouraged to contribute to the development of the committee work programme and propose agenda items for future meetings
- 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 the Committee 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 the work of the Committee
- Be expected to treat other committee Members, officers and external parties with respect
- Be required to recognise that they may encounter sensitive information and to act with discretion
- Not to disclose or - other than in the performance of their role on the Committee - use exempt or confidential information
- To raise issues with the Monitoring Officer or Head of Democratic Services at the earliest possible opportunity if there are any concerns

## **12. Support for Co-opted Members**

12.1 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 and familiarise them with the Code of Conduct.
  - Co-opted Members will be invited to attend Member training sessions that relate to their role.
- 12.2 With the exception of the Chair of General Purposes and Audit Committee, co-opted Members will not receive an allowance or salary.

### **13. Why co-opt**

- 13.1 Co-option is a way of ensuring that under represented voices are represented on Council committees. The Equality Act 2010(section 149) places a public sector equality duty 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.
- 13.2 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.