

**Report for:** Standards Committee 23 January 2020

**Title:** Co-opted Members – information report

**Report**

**Authorised by:** Ayshe Simsek – Acting Democratic Services and Scrutiny Manager

**Lead Officer:** Ayshe Simsek Acting Democratic Services and Scrutiny Manager

**Ward(s) affected:** N/A

**Report for Key/**

**Non Key Decision:** Non Key

**1. Describe the issue under consideration**

1.1.1 To consider information regarding the current cohort of co-opted members supporting Council Committees, their role and activity and how they were appointed.

1.1.2 To consider any changes to the process for supporting adherence to the Code of Conduct by co-opted members.

**2. Cabinet Member Introduction**

Not applicable

**3. Recommendations**

3.1. To note the information contained in the report concerning co-opted members, selection, appointment and role.

**4. Reasons for decision**

To respond to a request for this information from Standards Committee members in June and to improve understanding of these roles, allowing any comments/ issues to be raised.

## **5. Alternative options considered**

None – this is an information report and information has been obtained from the constitution and legislation.

## **6. Background information**

- 6.1 Following a Standards training session in June, members of the Standards Committee were interested to understand and explore more fully the role and appointment of co-opted members given that these members participate in Committees and can have a key role in terms of influence and decision making. Co-opted members of the Council are subject to the code of conduct and certain positions are appointed to meet statutory requirements, provide expert knowledge or to assist Committees with an independent view.
- 6.2 Standards Committee, terms of reference includes promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives; assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct. Therefore, this report is also aimed at providing information about how the code of conduct is observed and whether any improvements can be made to support adherence to the code of conduct by co-opted members.
- 6.3 It has also been queried considering appointment of co-opted members to the Standards Committee. Article 9.02 of the Constitution notes that the Standards Committee will be composed of Councillors appointed on the basis of political balance. In addition, the Standards Committee may appoint up to six non-voting co-opted members.

### Overview

- 6.4 Local authorities have a general power to appoint members to Committee who are not elected members of the Council under the Local Government Act 1972. This was modified to include the categories of voting and non-voting members in 1989. It should be noted that there is no power to co-opt to the full Council. In considering this act and the roles in the local authority which are politically restricted, it appears that co-opted members can be members of political parties.
- 6.5 Co-opted members that have no voting rights and are usually appointed for their expert / experienced advice in supporting a particular Committee and are not required to complete a declaration of interest form. Although, would need to follow code of conduct and Council/ Committee standing orders, including not divulging exempt/ confidential information at meetings.
- 6.6 Co-opted members with voting rights are required to complete a declaration of interest form within 28 days of appointment.

## Voting Co-opted Members

- 6.7 Haringey has three Committees with voting co-opted members:
- Overview and Scrutiny Committee
  - Children and Young People’s Scrutiny Panel
  - Pensions Committee and Board
- 6.8 Where a Council is responsible for education functions, there is a requirement for certain voting co-opted members to be appointed to the relevant scrutiny bodies responsible for education. In Haringey, there are two diocesan representatives (one Church of England and one Catholic) and two parent governor representatives voting co-opted members and they sit on both the Children and Young People’s Scrutiny Panel and the Overview and Scrutiny Committee. Such co-optees have voting rights on education issues and are treated as opposition Councillors for the purposes of political proportionality. These Committees have a Church of England Diocesan representative and the Catholic position is also represented. They remain in position until they either resign or we are advised by the Diocese that they are no longer nominated. These representatives were appointed by the Diocese and the Council has no role in this process. Where the Committee is not considering an education matter, the co-opted members have no – voting rights. For example, if they were considering a call in of a regeneration decision, they would not be able to vote on the pathway of the call in decision.
- 6.9 Parent governor representatives are elected by all parent governors in the authority’s areas. This election is carried out by the authority wishing to co-opt them. The process for appointing them is prescribed in detail within the Parent Governor Representatives (England) Regulations 2001;
- <http://www.legislation.gov.uk/ukxi/2001/478/contents/made>
- 6.10 There are two current Parent Governor Representatives and they were both elected in October 2018. Their term of office is two years and will end in October 2020.
- 6.11 In accordance with the Member’s Allowance scheme each voting member co-opted member gets £154 per meeting attend and this is capped at £616 per municipal year.
- 6.12 Voting members of the Overview and Scrutiny Committee will have an induction session with Democratic and Scrutiny services team and will discuss the code of conduct.
- 6.13 Haringey is one of only two boroughs in the country that has a Combined Pensions Committee and Board with four available co-opted voting positions. There are two representatives from scheduled and admitted employers, and two scheme membership representatives, one being appointed by local trade unions and the other selected from scheme member nominations. On the Combined Pensions Committee and Board, is

entitled to an allowance of £154 per meeting attended, to a maximum of £616.

- 6.14 The employer representatives will be nominated by employers other than the Council. If there are more than two nominations a panel consisting of the Chair of the Committee and Board and Chief Financial Officer to the Council will select the representatives to be appointed.
- 6.15 The employee representatives will be appointed as follows:
- i. one active scheme member representative will be appointed jointly by trade unions who represent working scheme members.
  - ii. one pensioner and deferred member representative will be selected through an open invitation to apply.

If there is more than one nomination for these positions, a panel consisting of the Chair of the Committee and Board and Chief Financial Officer/Director of Finance to the Council will select the representatives to be appointed.

- 6.16 Employee (pensioner/deferred) reps are advertised by writing to all members of the scheme asking them if they wish to apply for the role. Employer reps are advertised by writing to all employers who participate in the scheme. If there are more than 2 nominations a panel consisting of the Chair of the Pensions Committee and Board and the Chief Financial Officer /Director of Finance will make a decision around the appointment.
- 6.17 Employer representatives will remain as members of the Committee and Board during their appointed term of office unless in the opinion of the administering authority they are not adequately performing their role (including non-attendance at two consecutive meetings), they become incapable of acting, they cease to represent their constituency, they resign or a replacement member is nominated by their relevant nominating body. If an appointment is terminated a new process will commence for the remainder of the term.
- 6.18 Prospective members of the Committee and Board will be required to demonstrate to the panel consisting of the Chair of the Committee and Board and the Chief Financial Officer that they have the capacity to represent other employers and employees (as appropriate) and that they do not have a conflict of interest. The decision of the panel will be final.
- 6.19 Every member of the Committee and Board must be conversant with –
- i) The rules of the LGPS.
  - ii) Any document recording policy about the administration of the LGPS which is for the time being adopted by the LB Haringey Pension Fund.
- 6.20 It is for individual Committee and Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions.
- 6.21 Committee and Board members are required to be able to demonstrate their knowledge and understanding and to keep these up to date and to maintain a written record of relevant training and development.

The Council will provide a training programme, which all Committee and Board members must attend. Training undertaken will be reported at each meeting.

- 6.22 The role of the co-opted members is to sit on the Pensions Committee and Board and represent the interests of the requisite groups (employers, employees etc.), the terms of reference of the Committee and the responsibilities per Haringey's constitution apply, as do the code of conduct requirements.

### Non -Voting Members

- 6.23 In relation to scrutiny, the Local Government Act 2000 made provision for the co- option of non-elected members to Overview and Scrutiny to bring additional expertise and skills to scrutiny work and to increase public engagement with scrutiny. This is also covered within the Council's Constitution under the Section G (3.1) of the Overview and Scrutiny Procedure Rules. These meetings are not decision making meetings and will usually be compiling scrutiny reviews for agreement by Overview and scrutiny and then for onward approval by the Cabinet. As set out above, co-opted members are subject to the member's code of conduct.

- 6.24 There is a representative of Haringey Association of Neighbourhood Watches appointed as the co-opted member of the Environment and Community safety. The principle that Scrutiny were trying to establish was that co-optees represented specific organisations with a particular interest or expertise relevant to the Scrutiny Panel. The Co-opted member of the Adults and Health panel was previously co-opted onto the Adults Panel as Chair of Haringey Link Network. Healthwatch took over their role but there was a conflict of interest issue with Healthwatch being represented on the Adults Panel as they are on the Health and Well Being Board and it was felt and important for providing members with the voice of health services users. Therefore, the Chair of the Link Network has continued to be appointed.

- 6.25 Generally, an information pack is provided to co-opted members on their appointment and advice given about their voting rights and declaration of interest form completion. However, going forward, co-opted members can be sent further reminders on a regular basis to advise any changes and raise any queries should they have any. Declaration of interest forms of members and co-opted members are available on the following link

<https://www.haringey.gov.uk/local-democracy/our-standards/register-members-interests>

- 6.26 Under the previous Standards regime, the Standards Committee comprised of 5 Councillors and 6 independent members who would consider complaints against members and co-opted members. Under the ethical framework changes in 2012, Councils were required to compile and administer their own code of conduct and further appoint up to two

independent persons for advice and initial investigation of misconduct claims. The current format of the Standards Committee was agreed in July 2012 and the articles section in the constitution is the only place that includes the 6 co-opted members to assist the Committee. This inclusion seems to be an anomaly as the independent persons assist and provide the Committee with advice and recommendations concerning code of conduct complaints. Members would need to consider the benefit of including co-opted members who would not have any voting rights in consideration of reports and complaints. The expertise and experience is already provided by the independent persons and their written advice considered at the Standards sub –assessment meetings.

## **7. Contribution to strategic outcomes**

The Council's Constitution supports the governance of the Council and its Decision making thereby assisting the Council to meet its strategic outcomes.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **8.1 Finance**

8.2 Payment of voting co-opted members is contained within the Democratic Services budget.

8.3 Legal comments are contained within the report

### **8.5 Equality**

Equalities duties are adhered to in the recruitment process for co-opted members.

## **9. Use of Appendices**

None

## **10. Local Government (Access to Information) Act 1985**

Council Constitution

1972 Local Government Act