

## CO-OPTED MEMBERS

**Report By: County Secretary and Solicitor**

### Wards Affected

County-wide

### Purpose

1. To update the Committee on the arrangements in hand to ensure compliance with the Code of Conduct by co-opted members of Herefordshire Council.

### Background

2. Local authorities have long been able to include within the membership of their committees, persons who are not elected members of the appointing authority. The historic position as set out in the Local Government Act 1972 was modified by the Local Government and Housing Act 1989 by defining, in somewhat complex terms, the two categories of voting and non-voting members of a committee, sub-committee or joint committee. The Local Government Act 2003 extended the approach by giving authorities the power to give voting rights to co-opted scrutiny members. Scrutiny Committees dealing with education matters have, since 2000, also had to co-opt Diocesan representatives and parent governor representatives with voting rights.
3. The general power to co-opt rests with the full Council and not with committees, although the selection of persons to serve as co-opted members is usually left to the committees. There is no power to co-opt onto the full Council.

### Co-option in Herefordshire

4. Currently, the Council has appointed co-opted members to several scrutiny committees, as detailed below, and the Standards Committee.
5. The Council amended its Constitution in May 2005, to reflect changing legislation following the implementation of the Children Act 2004. As a result the Council formed the Children's Services Scrutiny Committee. This new Committee primarily assumed the remit of the former Education Scrutiny Committee and those elements relating to childcare previously under the former Social Care & Housing Scrutiny Committee. The Committee is currently reviewing the statutory and co-opted membership of the Committee.
6. **Diocesan Members** – it is required by statute that this Committee formally co-opt Diocesan representatives to serve on the Committee as voting members. Where the remit of the Committee goes wider than matters related to education, as in the case of this Committee, church and parent governor representatives are entitled to vote only on any matter relating to education, whether in respect of schools or wider educational issues. They may in addition speak on any other matters within the remit of the Committee. The current co-opted voting members are:

- Church of England – The Reverend I Terry – appointed November 2003

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Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

- Roman Catholic Church – Mr J D Griffin – appointed February 2003
7. There is no statutory term of office for the diocesan members. It was agreed in July 2003 that Diocesan Authorities would continue to notify the County Secretary and Solicitor as and when any changes occur to their representation.
  8. **Parent Governor Members** – The School Standards and Framework Act 1998 and the Education (Parent Governor Representatives) Regulations 1999 require education authorities to have parent governor representatives as full members on Scrutiny Committees with voting rights. As in the case of Church representatives they are restricted to voting on educational matters only. They may in addition speak on any other matters within the remit of the Committee.
  9. The Council decided that 3 Parent Governor representatives be appointed following self-nomination via the Hereford Association of Governors. Receipt of multiple nominations results in a ballot of eligible governors. Since May 2000 a number of elections have taken place and the current members are:
    - Primary Schools – Ms K Fitch – appointed May 2004
    - Secondary Schools – Mrs C Woolley – appointed July 2005.
    - Special School – Governor Services attempting to fill the vacancy.
  10. The Regulations with regard to Parent Governors set out that the term shall be “of such duration as the authority shall determine, being a period not less than two years nor greater than four years”. Cabinet in September 1999 decided that “representatives take up their role from the start of the new Council in May 2000. The term of office should be coincident with that of the Council, with any vacancy filled on the basis of completing the remaining period of office”.
  11. In accordance with the Regulations and Cabinet’s decision, providing both current members continue to be eligible parent governors, their term of office will run until the May 2007 Council elections. Provided they continue to be eligible they may stand for re-election for a further term.

### **Current Non-voting Co-opted Membership and Term**

12. The Council has appointed a number of non-voting co-opted members. For completeness, their details are set out below but the Code of Conduct does not apply to them.
13. **Teacher representatives.** These were appointed following secret ballot by teachers in their respective sectors. The current members representing the three teaching sectors are:
  - Primary School Teachers – Mr J D Pritchard – elected March 2001
  - Secondary School Teachers – Mr C Lewandowski – elected April 1998
  - Special School Teachers\* – Mr M Carter – elected December 2004.
14. \* Following difficulty in appointing a Special School Teacher representative the Education Scrutiny Committee in July 2003, agreed to widen the eligibility for this

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appointment to include SENCOs (Special Educational Needs Co-ordinators), SEN teachers in primary and secondary schools and Headteachers of special schools.

15. It was agreed in July 2003 that the term of office for non-voting co-opted teacher representatives continue until a request for a new election by teachers is received by the County Secretary and Solicitor.
16. **Headteacher representatives** –The Education Scrutiny Committee in July 2003 agreed that the Associations of Headteachers nominate 1 secondary and 1 primary headteacher to serve as non-voting co-opted representatives on the Committee. The current representatives are:
  - Secondary School Headteachers – Mr A Marson – from November 2003.
  - Primary School Headteachers – Miss S Peate – from January 2004.
17. It was agreed in July 2003 that the term of office should be at the relevant Association's discretion.
18. All voting co-opted members have recently been reminded of the need to keep their Register of Interests up to date and of the requirements of the Code. They have also been invited to participate in the Council's training for councillors in relation to the Code of Conduct. An event is planned for Friday 14 October 2005 at 2.00pm.

## RECOMMENDATION

**THAT the report is noted.**

## BACKGROUND PAPERS

- None identified.