

PART 6

6.3 Protocol for Independent and Co-opted Members

PROTOCOL FOR INDEPENDENT AND CO-OPTED MEMBERS

1. Legislative Framework

The Council's ability to co-opt members derives from the Local Government Act 1972 and the Local Authority Social Services Act 1970 as amended by the Local Government and Housing Act 1989 and the Local Government Act 2000.

The Local Government and Housing Act 1989 establishes that members of committees appointed under the 1970 and 1972 Acts and who are not elected members of the Council do not generally have voting rights. However there are exceptions to this rule. Church and parent governor members of overview and scrutiny do have voting rights in respect of education matters. All members of advisory committees formed under section 102(4) of the Local Government Act 1972 also have voting rights.

2. The Constitutional framework

The Constitution sets out which bodies of the Council may co-opt members and the general framework through which co-opted members can be appointed as follows.

2.1 Education and Children's Services Scrutiny Committee

Where the functions of the Education and Children's Services Scrutiny Committee relate wholly or partly to any education function which is the responsibility of the executive the voting membership will include:

- One person nominated by the Church of England Diocesan Board for Schools.
- One person nominated by the Roman Catholic Diocesan
- Not more than two persons (as specified in the Parent Governor Representative (England) Regulations 2001) elected as representatives of parent governors at schools which are maintained by the Council.

2.2 Health Scrutiny Committee

The five district and borough representatives have voting rights in respect of the review and scrutinising of any matter relating to the planning, provision and operations of health services in the county.

2.3 Police and Crime Panel

The co-opted members of the Police and Crime Panel have voting rights in respect of matters within the terms of reference of the Panel.

3. The Code of Conduct

- 3.1 Voting co-opted members are bound in law by the provisions of the Code of Conduct. They are required to make a written declaration that they will be bound by the provisions of the Code before taking up their appointment and to complete their entry in the Register of Interests within 28 days of taking office.
- 3.2 Non voting co-opted members are bound in honour by the Code of Conduct. They are required to make a written declaration to be bound by the Code and to complete their entry in the Register of Interests within 28 days of taking office. Any alleged breaches of the Code by non-voting co-opted members will be investigated by the Monitoring Officer.