MINISTERIAL DUAL MANDATES

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1.0 Introduction

In other parts of Europe the NI Assembly and Executive would be regarded as regional structures (like the French regions or German laender) and a dual mandate would not be uncommon. For example, in France there are 33,000 councils and it is not uncommon for their mayors to have multiple mandates.

When we consider the issue of Ministers the position is less clear. Both the Netherlands and the Republic of Ireland have introduced legislation to prohibit Ministers from holding positions in local councils. In both of these regions performing the duties of a local councillor is thought to be incompatible with the duties of Minister. No specific mention is made of conflict of interest.

While perceptions of conflict of interest may be considered an issue, no evidence was found in the research for this paper of specific mention of a conflict of interest in the dual Minister/local councillor roles however it may be argued that this is implicit in the various approaches taken in other European countries.

This paper sets out the approach of some European countries to the issue of conflicts of interest in general and highlights some recommendations made by the OECD in this respect.

The Ministerial Codes and Guidelines of Westminster, Scotland and Wales do not deal specifically with the Ministerial dual mandate. The guidelines to the Ministerial Codes for Northern Ireland are currently being prepared and should be made available to the Executive by September 2007.

The final section of this paper deals with the issue of co-option. A policy introduced by Belfast City Council to establish a preference for co-option has proved to be successful in avoiding the need to call by-elections.

2.0 Conflict of Interest - An International Perspective

The OECD has defined conflict of interest as:

> *"A conflict of interest involves a conflict between the public duty and the private interest of a public official, in which the public official's private-capacity interest could improperly influence the performance of his/her official duties and responsibilities"*[1].

In the UK conflict of interest programmes are part of the broad policy of "ethical standards in the public sector". They are not part of a broad strategy against corruption but part of a broad strategy to guarantee and improve ethical standards in public life.

[1] Recommendation of the Council on Guidelines for Managing Conflict of Interest in the Public Service, see at http://www.oecd.org/dataoecd/13/22/2957360.pdf.

2.1 Where EU countries adopt a common approach to the issue of conflict of interest

Restrictions on additional employment

In all of the countries studied by the OECD[2], public officials have restrictions on ancillary employment. Political appointees, including members of government, civil servants and judges have this kind of restriction in all countries, but France, Germany, Poland and Spain are stricter than the others. All countries have restrictions on additional public employment for members of parliament, but only Spain has strict incompatibilities for MPs with private posts as well. Locally elected officials can be members of the national parliament in France and Hungary. In all of the countries there are restrictions on other public and private employment when locally elected officials are engaged on a full-time basis and receive pay for the positions to which they have been elected[3].

Detection

Institutional instruments for detecting and investigating conflicts of interest vary from country to country. There are no commonalities, except in the difficulties in establishing a real independent body. The only really independent body is the Constitutional Court in Portugal. Obviously, using the court to detect conflicts of interest is very controversial and has been rejected in most countries. Large countries and especially countries with federal arrangements cannot afford to use the constitutional court to detect and investigate conflicts of interest, because the court tends to be overburdened with constitutional issues[4].

In the UK there is no body specifically charged with overseeing and evaluating the implementation of conflict of interest regulations. In central government departments, the matter would be considered by the National Audit Office in its audit role and in its review of the economy, efficiency and effectiveness of government spending. The Audit Commission performs a similar role in relation to local government expenditure, but questions of conduct of local authority members are now considered by the Standards Board for England (and the comparable bodies in Scotland and Wales), which began receiving complaints in 2002. The closest approximation to a national body of the kind envisaged in Portugal would be the Committee on Standards in Public Life, which has recently reviewed the implementation of its Seven Principles across the public sector in the UK in its 10th Report, published in 2005[5].

[2] SIGMA (Joint initiative of the OECD and EU), 21 Dec 2006. Public Governance and Territorial Development Directorate. 'Conflict of Interest policies and practices in nine EU member states: A comprehensive review'. SIGMA paper no. 36

[3] ibid

[4] SIGMA (Joint initiative of the OECD and EU), 21 Dec 2006. Public Governance and Territorial Development Directorate. 'Conflict of Interest policies and practices in nine EU member states: A comprehensive review'. SIGMA paper no. 36

[5] ibid

2.2 Differences in the approaches adopted by EU countries

UK

The UK approach is different from the other approaches because conflict of interest is treated as an aspect of ethical standards in the public sector. Although there is no single regulation governing conflict of interest across the public service, there are "Seven Principles" of public life that have been endorsed by successive governments and have now become the benchmark by which standards in public life are assessed.

Selflessness
Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only where the wider public interest clearly demands.

Honesty
Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership
Holders of public office should promote and support these principles by leadership and example.

The Code of Conduct for Members of the Northern Ireland Assembly includes a reference to the Seven Principles.

The Committee on Standards in Public Life (a parliamentary standing committee) examines concerns about standards of conduct of all holders of public office (central and local government officials, members of parliament,

officials of the National Health Service and non-departmental public bodies), including arrangements relating to financial and commercial activities. The Committee recommends any changes in current arrangements that might be required to ensure the highest standards of propriety in public life.

Other EU Countries

The approach in the UK may be considered to be reactive, based to a large degree on the individual integrity of the office holder. Conflicts of interest are really only addressed as a result of a complaint being made. Transparency and personal accountability are the key issues in the British system.

A summary of the different approach in nine EU countries included in an OECD study[6] is provided in Appendix 1. Some other countries adopt a much more proactive approach. For example, the most striking feature of the Portuguese approach is the role of the Constitutional Court in the monitoring and detection of conflicts of interest in the public service. The overall control of the inexistence of incompatibilities and impediments of any office-holder has as its main element the declaration of the office-holder before the Constitutional Court. In this declaration the official must state the non-existence of incompatibilities or impediments, clearly referring to all exercised positions, functions and professional activities, as well as to the existence of any shares he/she might have. The declaration has to be submitted to the Constitutional Court within 60 days of taking office. The Constitutional Court examines, monitors and, when required, applies the sanctions set down by law with regard to infringement or disrespect of the rules on incompatibility.

2.3 Some recommendations made by the OECD[7]

A comprehensive anti-corruption strategy: The formulation and implementation of an effective conflict of interest policy is difficult and challenging work, but if a government wants to increase public trust in democratic institutions and political actors and to build a better and more efficient democracy, this work is not only necessary but unavoidable.

A set of clear ethical standards in public life: The British approach is the best example to follow, although an appropriate adaptation would be needed to suit the laws and conventions of the country concerned.

Carefully regulated recusal[8] and withdrawal in public decision-making: One of the cornerstones of a good conflict of interest programme is to have a solid regulation on recusal. This requires a complete and detailed list of the causes

[6] SIGMA (Joint initiative of the OECD and EU), 21 Dec 2006. Public Governance and Territorial Development Directorate. 'Conflict of Interest policies and practices in nine EU member states: A comprehensive review'. SIGMA paper no. 36

[7] Ibid

[8] Abstaining from participation in an official action such as a legal proceeding due to a conflict of interest of the presiding court official or administrative officer.

of abstention or withdrawal. The French, German and Spanish approaches can be very useful in regulating recusal.

Limitation or even prohibition for public officials to hold jobs outside the administration: Strict restrictions on ancillary employment are absolutely necessary for members of government and public officials. It is nevertheless also advisable to establish such restrictions for civil servants and judges. If these restrictions are provided, civil servants and judges should be given appropriate salaries. In addition, if locally elected officials receive a public salary, they should be subject to restrictions that are similar to those for civil servants and political appointees. The Spanish model could be helpful in terms of political appointees, the French model for civil servants, the German model for the judiciary, and the British model for locally elected officials. No public official should be permitted to hold dual-paid public posts, to engage in any business partnership or to hold positions as directors of private company boards.

3.0 Legislative provision for disqualification of ministers

This research was only able to identify two countries that specifically made provision in legislation for the disqualification of Ministers from local government office.

Legislation in the Republic of Ireland
The Local Government Act 1991 (s13) provides for the disqualification of Ministers of Government and Ministers of State for membership of local authorities.

The Barrington report of 1990 recommended that all TDs should be disqualified from holding positions as councillors:

> *To distinguish clearly between the roles of national and local government there should be a statutory prohibition on members of the Oireachtas and on MEPs from simultaneous membership of local authorities. This is also seen as having benefits at the national level by ensuring a better focus on national issues.*

Legislation in the Netherlands
In the Netherlands it is possible to be a member of the national assembly and a local government representative at the same time. There is legislation in place to prevent other dual positions, such as the position of a Minister which is not compatible with the position of a local government representative. These incompatibilities can be found in several Bills, e.g. article 13 of the Local Government Act (Gemeentewet) or article 13 of the Provincial Governmental Act (Provinciewet).

A Government Minister cannot have an elected position in a local council at the same time, which is put down in article 13, *paragraph 1, sub a* of the Local

Government Act. When a local councillor becomes a minister, his or her membership ends immediately and his or her seat will be filled with the next person on the list of candidates of the local political party. No re-election will be held[9].

4.0 Ministerial Code and Guidelines

The contents of the Ministerial Code and Guidelines for Westminster, and Northern Ireland are set out in Appendix 2. Provision for the Ministerial Code for Northern Ireland is made in the Northern Ireland (St Andrews Agreement) Act 2006.

There are no specific guidelines in the Ministerial Codes for Westminster, Scotland, Wales or Northern Ireland regarding the retention of Council seats. However in the Scottish, Welsh and Westminster codes there is a statement that;

> *When they take up office Ministers should give up any other public appointment they may hold. Where it is proposed that such an appointment should be retained, the Prime Minister/First Minister must be consulted.*

The Westminster code states that:

> *Where Ministers have to take decisions within their Departments which might have an impact on their own constituencies, they should, of course, take particular care to avoid any possible conflict of interest.*[10]

The Code goes on to detail some guidelines:

> *Ministers are free to make their views about constituency matters known to the responsible Minister …Ministers are advised to take particular care in such cases to represent the views of their constituents rather than express a view themselves; but when they find it unavoidable to express a view they should ensure that their comments are made available to the other parties, avoid criticism of Government policies, confine themselves to comments which could reasonably be made by those who are not Ministers, and make clear that the views they are putting forward are ones expressed in their capacity as constituency MPs.*

Other Constituency and Party issues which ministers need to be careful of are cited as lottery bids and the coordination of government policy.

[9] Articles W1 and X1 of the Representation of the People Act (Kieswet).
[10] Ibid.

The Northern Ireland Assembly Ministerial Code

The Northern Ireland Ministerial Code is set out in the Northern Ireland (St Andrews Agreement) Act 2006[11] (c53) s28A. The Ministerial Guidelines are currently being prepared by OFMDFM and should be made available to the Executive over the summer. It is thought likely that the guidelines will closely reflect those of Westminster. If a recommendation were to be considered with respect to the Ministerial dual mandate it would be considered in the first place by the Executive.

Local government guidelines

The 26 district councils, which represent local government in Northern Ireland have less powers than equivalent authorities in the rest of the UK; as a whole they are responsible for only 5 per cent of public services compared to 35-40 per cent elsewhere[12]. However the ongoing review of Public Administration in Northern Ireland may result in an increase in their responsibilities[13]. At present local councillors are subject to a non-statutory, voluntary code of conduct which has no clear means of enforcement or of how to make a complaint[14]. This has caused some problems in dealing with misconduct, particularly against officers[15]. Although standards of conduct are thought to be generally high, both NILGA and COSLA believe a statutory code of conduct should be introduced. Nigel Hamilton has made clear that there is no objection in principle to introducing a statutory code but that this would be a matter for the restored Assembly[16].

Dr Tom Frawley, Assembly Ombudsman and Commissioner for Complaints also supports the introduction of a statutory code. Dr Frawley beleives that such a code should have, in the first instance, locally-based arrangements for enforcement (i.e. Standards Committees), with more serious cases dealt with by the Ombudsman, similar to the system in Wales. He beleives it should also be part of an integrated standards framework also covering public bodies (as in Scotland). The Committee on Standards in Public Life believes this approach would have considerable merit: it is proportionate to the size of local government and public bodies in Northern Ireland; it would help embed good conduct into organisational cultures; and it makes best use of the experience in other parts of the UK.

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[11] The Northern Ireland Ministerial Code is set out in the Northern Ireland (St Andrews Agreement) Act 2006[11] (c53) Part 2 – Amendments for the Northern Ireland Act 1998

[12] Heather Moorhead, Northern Ireland Local Government Association 29.06.04 1881. Cited in'Getting the balance right: Implementing standards of conduct in public life', the Committee on Standards in Public Life (http://www.public-standards.gov.uk/publications/10thinquiry/report/chapter3_part3.aspx)

[13] Nigel Hamilton, Head, Northern Ireland Civil Service 29.06.04 1824 (http://www.public-standards.gov.uk/publications/10thinquiry/report/chapter3_part3.aspx)

[14] John Dempsey, Secretary, SOLACE Northern Ireland 29.06.04 1925-7 (http://www.public-standards.gov.uk/publications/10thinquiry/report/chapter3_part3.aspx)

[15] Ibid 29.06.04 1886-8 (http://www.public-standards.gov.uk/publications/10thinquiry/report/chapter3_part3.aspx)

[16] Nigel Hamilton, Head, Northern Ireland Civil Service 29.06.04 1833 (http://www.public-standards.gov.uk/publications/10thinquiry/report/chapter3_part3.aspx)

In the report '*Getting the balance right: Implementing standards of conduct in public life*', the Committee on Standards in Public Life recommended that, following the review of public administration, and upon the restoration of the Assembly in Northern Ireland, a Statutory Code of Conduct for Councillors should be introduced with a proportionate and locally-based framework for enforcement, drawing upon experience of other parts of the UK.

5.0 Co-option

Section 11 of the Electoral Law Act (Northern Ireland) 1962, as amended by the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 provides that casual vacancies within a District Council, other than those to which Sub-Section (4) (c) of the Principal Act applies, may be filled by co-option.

In 1998 Belfast City Council introduced a policy establishing a preference for co-option as opposed to forcing a by-election whenever a vacancy arose (see Appendix 3). At the time the estimated cost of running a by-election was £30,000. Of the vacancies that have arisen since the introduction of the policy in Belfast City Council all have been filled by co-option.

Political Lists

If a politician had been elected councillor on a political list, it would be usual for the next name on the list to be promoted (or deemed elected) in the case of a vacancy arising, so there would be no requirement for a by-election. If it is first-past-the-post, there would be problems with this as the original votes would be deemed personal to the original candidate.

The list systems of proportional representation have long been used by most Western European countries, the exceptions being the UK, Ireland (which uses STV), Germany (which partially uses it in a 'mixed' system) and generally, though not always, France. List systems are also common across Latin America and in many of the newer African democracies as well[17].

The Northern Ireland (Entry to Negotiations, etc.) Act 1996, introduced to provide for election to the Northern Ireland Forum, made provision for the use of lists.

The Northern Ireland Assembly (Elections) Order 2001 provides that vacancies in the assembly be filled by substitution. This is slightly different from local authorities in Northern Ireland where replacement is by either co-option or by-election.

[17] David Farrell, 'Electoral Systems, A Comparative Introduction', 2001.

APPENDIX 1

Summary of nine Countries included in OECD report on conflicts of interest

United Kingdom: The British regulation on conflict of interest is the oldest one. The Prevention of Corruption Act dates from 1889. The British approach is based on the idea that conflicts of interest are an aspect of ethical standards in the public sector. The Seven Principles of public life apply to all holders of public office, and the Committee on Standards in Public Life makes recommendations for all of them.

Portugal: The Portuguese approach has a strong British influence, but it also has different measures that are not very protective of privacy, such as the declaration of income and assets and their publication. The reason for this stringent approach is the public dissatisfaction with the cases of corruption that have been discovered in Portugal in recent years, and the public's lack of confidence in the capacity of the administration and the judiciary to act effectively.

Latvia: Conflict of interest regulations in Latvia are part of a broader policy to prevent and combat corruption. The Latvian approach is based on the existence of a very powerful Bureau responsible for detecting, investigating and prosecuting corruption cases.

France: What is most distinctive about the French approach is its concern with the post-employment activities of civil servants. It is also remarkable for its penal sanctions for private interest-seeking in public office and for post-employment activities in companies, which have been controlled during the past five years.

Hungary: Hungary has a complete system of rules and regulations concerning incompatibilities, but it lacks a regulation on conflict of interest as well as an independent body that is needed to detect and investigate conflicts of interest with impartiality.

Poland: Poland is the country with the highest corruption perception of all the countries studied in this report. The reasons for this are complex and difficult to summarise, but there is one issue that it is important to consider: Polish society does not connect conflict of interest with corruption. That is probably one of the reasons why the legal system that has been enacted has not yet been fully implemented and why there is certain impunity whenever public officials break conflict of interest rules. Social and legislative improvements are needed, and the new government must face them.

Germany: The German model is the best example of a good juridical approach to dealing with the problem of conflict of interest. Obviously, it would be necessary to have a very developed and sophisticated administrative law framework in order to introduce such an approach in another country.

Italy: Italy is the country with the highest score of perceived corruption of the more developed nations. It also now has another specific feature, which is the fact that the richest man in the country — and the owner of the most important communications holding — has been elected as prime minister. Finally, most Italian public sector jobs have been privatised and been made subject to

collective negotiation since 1993, although the duties of public sector employees are still unilaterally defined by the public employer, in accordance with article 54 of the Constitution, which states that citizens entrusted with public functions must perform them with discipline and honour. In any case, collective labour agreements are responsible for defining offences and disciplinary measures, and they do not normally foresee sanctions for conflicts of interest.

Spain. Spain has made a serious effort to regulate conflicts of interest. The Spanish regulation, with very few exceptions, imposes limitations on public officials in terms of access to contracting processes, etc. On the other hand, high-ranking officials must declare their activities and interests, and they must also complete detailed forms stating their goods and assets, not only when they take up duty, but also annually and when they leave their public positions. Likewise, they are required to communicate the private activities they will assume when their cease their public functions. Finally, the new law mentioned above will require high-ranking officials to declare where they have previously worked, including as a consultant, or were involved in any way. This also applies to their spouse and to any other person with whom they have lived in an analogous personal relationship, and to second-degree relatives (e.g. brothers and sisters) during the two years prior to their appointment as high-ranking officials. However, the implementation of the laws on conflict of interest and incompatibilities has proved to be very inconsistent in Spain. As a result, the most important changes that need to be fulfilled involve the effective implementation of old and new programmes of conflict of interest

APPENDIX 2

WESTMINSTER
PART I - MINISTERIAL CODE OF ETHICS

MINISTERS OF THE CROWN
Parliamentary Private Secretaries
Special Advisers
Unpaid Advisers

MINISTERS AND CIVIL SERVANTS
The role of the Accounting Officer
Civil servants and Party Conferences

MINISTERS' CONSTITUENCY AND PARTY INTERESTS
Parliamentary Commissioner for Administration cases
Deputations
Lottery Bids
Co-ordination of Government Policy

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General Principle
Responsibility for avoiding a conflict
Procedure
Public Appointments
Non-Public Bodies

Trade Unions

Financial interests
Financial interests: alternatives to disposal

Steps to be taken where financial interests are retained
Partnerships
Directorships
Membership of Lloyds
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Acceptance of gifts and hospitality
Annual List of gifts
Acceptance of appointments after leaving ministerial office

PART II - PROCEDURAL GUIDANCE FOR MINISTERS

MINISTERS AND THE GOVERNMENT
Attendance at meetings of the Privy Council
Ministerial Committees
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Preparation of business for Cabinet and Ministerial Committees
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NORTHERN IRELAND

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Role of the First Minister and the deputy First Minister
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Northern Ireland Ministers and the Executive Committee
Meetings of the Executive Committee
Executive Committee Agenda
Decision-making by the Executive Committee
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Retrospective consideration of Ministerial decisions
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The north-South ministerial Council and the British-irish Council
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Supply of Parliamentary publications

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Select Committee Reports

Membership of Select Committee/All Party Parliamentary Groups

MINISTERS AND THEIR DEPARTMENTS

Changes in Ministerial responsibilities

Ministers outside the Cabinet

Arrangements during absence from London

Royal Commissions, Committees of Inquiry

Contacts with outside interest groups, including Lobbyists

References for constituents

MINISTERS AND THEIR PRESENTATION OF POLICY

Co-ordination of Government Policy

Press conferences

Publication of White and Consultation Papers

Speeches

Broadcasts

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Books

Party and other publications

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MINISTERS' VISITS

Ministers' visits overseas

Annual PQ on Ministerial Travel

Relations with other governments

Visits by Commonwealth or foreign Ministers

Entertainment overseas

Ministers recalled from abroad

Ministers' visits in the United Kingdom

Expenses on travel and hospitality

Air Miles

Travelling expenses of spouses/partners

Travelling expenses of Special Advisers

Offers of hospitality, gifts etc

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MINISTERIAL PENSIONS

Participation in the Parliamentary Contributory Pension Fund

Participation in other pension schemes

APPENDIX 3

Extract from minutes of -

POLICY AND RESOURCES COMMITTEE

19th JUNE, 1998

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"Filling of Casual Vacancies by Co-Option

The Members' Services Manager submitted for the Committee's consideration the undernoted report, copies of which had previously been circulated to the Members, on a Draft Policy for the filling of future casual vacancies by co-option:

'Purpose of Report

To submit for the Committee's consideration a draft policy whereby the Council would agree that future casual vacancies would be filled by co-option.

Background

The Committee will recall that the Council at its meeting on 3rd March agreed that the Policy and Resources Committee should consider the formulation of a general policy whereby future casual vacancies would be filled by co-option. The Committee at its meeting on 23rd March asked me to give consideration to the formulation of such a policy and to submit a report thereon to the Committee at a future meeting.

Section 11 of the Electoral Law Act (Northern Ireland) 1962, as amended by the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 provides that casual vacancies within a District Council, other than those to which Sub-Section (4) (c) of the Principal Act applies, may be filled by co-option.

The Act provides that the Council may at a meeting held not less than fourteen days nor more than forty-two days after the occurrence of the vacancy choose to fill the vacancy any person who is qualified to be a Member of the Council and is not objected to by any Member of the Council present at the meeting.

Sub-Section (4) (c) to which reference is made above relates to the determination by an Election Court that a person's election as a Member was void and in such circumstances the casual vacancy has to be filled by a person elected at an Election to fill the vacancy.

It seems to me that there is general agreement within the Council amongst the various Political Groupings that casual vacancies should be filled by co-option but it must be pointed out that any Member of the Council present at a meeting to choose a person to fill a vacancy may object to that person being co-opted. Any policy therefore which is agreed will have to recognise that that there is always the possibility of an objection from an individual Member of Council.

However, given that the Council has now agreed co-options in respect of the last three vacancies which have arisen there seems to be total support within the Council for the Principle of co-option.

The last three co-options have all involved the death or resignation of Members of a particular Political Party with that Party putting forward the names of persons to fill the vacancies. This might be said to be a relatively straight forward situation as it represents the replacement of one Member of a Political Party with another Member of the same Party. The difficulty in relation to co-option may arise when a vacancy arises through the departure of an independent Member or a Member who is elected as a representative of a particular Political Party and during the lifetime of the Council resigns to become an independent Member or a Member of another Political Party. In such circumstances it would still be open of course to the Council to agree a co-option although there may be more likelihood of an objection to a co-option in such circumstances.

Proposal

Having regard to the current Council support for the principle of co-option I would suggest that the Council agree the undernoted general policy subject to the statutory right of any Member of the Council to object to a person nominated to fill a casual vacancy:

1. the Council agrees to the general principle of filling casual vacancies by co-option and subject to Paragraph 3 will agree to a co-option so long as the casual vacancy arises through the death, resignation or otherwise of a Member in circumstances which would permit the Council to agree to a co-option;

2. the Council agrees that in circumstances where a casual vacancy arises through the death, resignation or otherwise of a Member of a particular Political Party and was still a Member of that Party at the time of the occurrence of the vacancy, it will not object to a name put forward by that Political Party to fill the vacancy; and

3. in circumstances where a vacancy arises through the death, resignation or otherwise of an independent Member or a Member who is elected as a representative of a particular Political Party and during the lifetime of the Council has resigned to become an independent Member or moved to another Party, the Council may agree a co-option based on all the circumstances relating to the occurrence of the casual vacancy.

Decision Required

The Committee is asked to consider the aforementioned general policy statement as a means of expressing the Council's commitment to the principle of co-option in relation to the filling of casual vacancies.'

The Committee noted the contents of the foregoing report and, after discussion, adopted the General Policy outlined therein for the filling of future casual vacancies by co-option, subject to the statutory right of any Member of the Council to object to a person nominated to fill a casual vacancy."