

Council of Governors Meeting: Thursday 5 October 2017
CoG2017.25

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| Title | South Oxfordshire Governor Vacancy |
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| Purpose | For decision. |
| History | None. |

Executive Summary

1. A governor vacancy has arisen in the South Oxfordshire constituency.
2. The Council of Governors has three options under these circumstances: to call a by-election, to offer the seat to the next highest polling candidate in the most recent elections or to leave it vacant until the next election.
3. As the second-placed candidate has indicated that they would not wish to take up the vacant seat, governors may wish to offer it to other lower-placed candidates for the remainder of the current term of office.
4. Given that the next election for this seat is due to take place in less than a year's time it would also be reasonable for governors to consider holding the seat vacant until the next set of elections.

Recommendation

5. The Council of Governors is asked to **select** their preferred approach to managing this vacancy.

South Oxfordshire Governor Vacancy

1. Purpose

- 1.1. A governor vacancy has arisen in the South Oxfordshire constituency.
- 1.2. This paper outlines the possible approaches to managing this vacancy for consideration by the Council of Governors.

2. Governor Vacancy

- 2.1. Simon Clarke, one of the two public governors for the South Oxfordshire constituency informed the Trust on 5 July 2017 that he had been elected to Oxfordshire County Council in May and had been appointed to the Joint Health Overview Scrutiny Committee. Under the Trust's constitution (Annex 5 para 1.2.10 on p69 – see below) he could not remain as a governor and therefore stood down from his role.

3. Options for Managing Governor Vacancies

- 3.1. Under Annex 5 para 4 of the Constitution (p72 and below for info) the Council of Governors has three options in this case: to call a by-election, offer the seat to the next highest polling candidate or leave it vacant until the next election which is due prior to October 2018.

4. Public Governor Vacancy

- 4.1. The South Oxfordshire constituency was contested by six candidates for one seat in the 2017 elections. The second- and third-placed candidates had 36 and 33 votes respectively compared with 41 votes for the winning candidate. Full results are shown below:

| Name of Candidates | Number of Votes | |
|--------------------|-----------------|---------|
| Arthur Boylston | 41 | Elected |
| Daniel Dyer | 25 | |
| David Hoyle | 4 | |
| Julian M Marks | 33 | |
| Maureen Norton | 36 | |
| Barry George Wood | 12 | |

- 4.2. Costs of a by-election are likely to be around £2300 for the constituency, although these will depend on the particular options that are chosen for advertising and running the election. It is suggested that, especially given these costs, there would be little merit in holding a further by-election so soon after an election in the constituency.
- 4.3. The second-placed candidate in the election has been contacted to establish whether she would, in principle, be interested in taking on the role for the remainder of the term which applied to Simon Clarke, so ending on 1 October 2018, and has indicated that she would not wish to do so.

- 4.4. Governors may wish to offer the vacant seat to other lower-placed candidates for the remainder of the current term of office.
- 4.5. Given that the next election for this seat is due to take place in less than a year's time it would also be reasonable for governors to consider holding the seat vacant until the next set of elections.

5. Recommendation

- 5.1. The Council of Governors is asked to **select** its preferred approach to managing this vacancy.

Neil Scotchmer
Programme Manager
September 2017

Annex 5

- 1.2. A person may not become or continue as a governor of the trust if:
- 1.2.10. he is a member of a local authority Health Overview and Scrutiny Committee;

4. Council of Governors: Vacancies

Where a vacancy arises on the Council of Governors for any reason other than expiry of term of office, the following provisions will apply. Where the vacancy arises amongst the elected Governors, the Council of Governors shall decide either to:

- (a) call an election within three months to fill the seat for the remainder of that term of office;
- (b) invite the next highest polling (runner-up) candidate for that seat at the most recent election, who is willing to take office, to fill the seat until the next election, for the unexpired period of the term of office; or
- (c) leave the seat vacant until the next scheduled elections are held if the un-expired period of office is less than twelve months