

BROMSGROVE DISTRICT COUNCIL

COUNCIL

22nd June 2011

REVIEW OF THE ROLE OF COUNCIL CHAIRMAN AND VICE CHAIRMAN

Relevant Portfolio Holder	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton

1. SUMMARY OF PROPOSALS

- 1.1 This report seeks Members views on the establishment of alternative charring arrangements for the Council from those currently in place. The report highlights the legal requirements attached to the Charring of the Council which must be complied with and suggests how the roles could be varied to provide a ceremonial head of the Council to undertake civic functions and a Chair of Meetings role.

2. RECOMMENDATIONS

- 2.1 That Members approve the introduction of a Civic Head and a Deputy Civic Head, together with the changes to the role of the Chairman of the Council and Vice Chairman as described in paragraph 4.4 of this report.
- 2.2 That Members agree that the current Member Allowance for the Chairman be revised to create two allowances of £3500 each for the Chairman of the Council and the Civic Head of the Council, such amounts to be increased each year by the same percentage increase as is applied to the basic allowance.
- 2.3 That Members approve the revised Roles and Responsibilities for the four posts referred to in this report as set out in Appendix 1 and grant delegated authority to the Head of Legal, Equalities and Democratic Services to make the consequential changes to the Constitution.

3. BACKGROUND

- 3.1 The Council has historically followed the conventional pattern of having a Chairman to the Council and a Vice Chairman, each elected to office for a period of 12 months at the Annual Meeting. The convention has been that the Vice Chairman at the end of their term of office moves to the position of Chairman. The Chairman has taken on the roles of attending civic functions to represent the Council and charring meetings of Full Council with the Vice Chair covering the functions and the Full Council meetings when the Chairman is not available.

BROMSGROVE DISTRICT COUNCIL

COUNCIL

22nd June 2011

3.2 Some local authorities have taken the decision to divide the functions of the Chairman and Vice Chairman so as to enable one of the roles to concentrate on the chairing of the Council and the other to concentrate on being the civic representative of the Council. At the request of the Leader, the Monitoring Officer has looked into how this could be achieved and this report sets out her findings. It is for members to decide whether they wish to go down the route of changing the current arrangements for the chairing of the Council. If Members are so minded then the proposed arrangements set out below in para 4.4 would in the opinion of the Monitoring Officer be sufficient to enable the Council to achieve a splitting of the two roles whilst still meeting the various legal requirements.

4. KEY ISSUES

4.1 There are a number of legal requirements which apply to the Chairing of the Council. These are summarised in the table below:-

Legislation	
Section 3 of the Local Government Act 1972	Requires the Council to elect a Chairman at the Annual Meeting
Section 4 of the Local Government Act 1972	Requires the Council to elect a Vice Chairman of the Council at the Annual Meeting
Section 3 (4) of the Local Government Act 1972	States that the Chairman has precedence in the District
Schedule 12 sections 1 and 2 of the Local Government Act 1972	Provides that the Chairman must preside at Council Meetings if he/she is present and that if not the Vice Chair must preside. The Chairman or the Vice Chairman will have the casting vote

4.2 The research undertaken for this report has established that difficulties can arise where the person in the chair at a Full Council meeting is not the actual Chairman of the Council. This can give rise to complications where the Chairman's casting vote is needed. Likewise it would not be correct for the

BROMSGROVE DISTRICT COUNCIL

COUNCIL

22nd June 2011

Vice Chairman to be chairing the meetings if the actual chairman was present as the legislation requires that the Chairman has precedence. The legislative requirements referred to above are not directly linked to the civic duties which the Chairman or Vice Chairman would normally perform. Based on the research carried out for this report, there would be an ability for the civic duties to be carried out by a member of the Council who was not the Chairman or the Vice Chairman. Such appointee could be designated with the title of "Civic Representative".

4.3 Taking into account the above information, the proposal to be considered by members is that the number of councillors involved in the chairing of the Council and the carrying out of civic duties be increased from two to four. Those four councillors would be designated with the following titles and roles:-

- Chairman and Vice Chairman - to chair the meetings of Full Council.
- Civic Head and Deputy Civic Head - to represent the Council at civic functions.

4.4 The key elements of each post would be as follows:-

4.4.1 **Chairman of the Council:** The Chairman would be elected annually and would have responsibility for chairing meetings of Full Council. It is proposed that there would be an allowance for this post as referred to in paragraph 4.6. The Chairman would exercise his or her casting vote at meetings. The Chairman would not undertake civic functions; these would be the responsibility of the Civic Head. Although elected annually, there would be no bar on the same elected member holding the post of Chairman for more than a year. The advantage of this arrangement would be to give continuity and allow the post holder to build up their knowledge and experience of performing this role.

4.4.2 **Vice Chairman of the Council:** The Vice Chairman would be elected annually as required under the Local Government Act 1972. The Vice Chairman would deputise for the Chairman at Full Council in the absence of the Chairman but would not be involved in carrying out any civic duties. There would be no allowance payable for this role.

4.4.3 **Civic Head of the Council:** The Civic Head would be elected annually and would carry out the civic functions of the Council. The Civic Head would not play a role in chairing Full Council but would instead focus on the numerous civic events to which the Council is invited. The function of collecting for the

BROMSGROVE DISTRICT COUNCIL

COUNCIL

22nd June 2011

Chairman's charity each year and planning and hosting the Chairman's Annual Dinner would pass to the Civic Head. An members allowance would be available for the post as detailed below in paragraph 4.6. The budget for civic functions currently at the disposal of the Chairman (civic hospitality budget) would be passed to the Civic Head who would also have use of room 128 (currently used as the Chairman's Room) for receiving guests and meetings.

- 4.4.4 Deputy Civic Head of the Council:** The Deputy Civic Head would be elected annually. The purpose of the role would be to assist the Civic Head and to attend functions to represent the Council when the Civic Head was unavailable or on holiday. The convention would be for the Deputy Civic Head to serve for a term of one year on the understanding that he or she would become the Civic Head the following year. There would be no members allowance for this role.
- 4.5 Were Members minded to approve these changes then Part 25 of the constitution which sets out the roles and responsibilities for positions within the Council would need to be updated. Members are referred to Appendix 1 which sets out a draft version of how the four posts in question would be described in Part 25 of the Constitution. It would also be necessary to review the constitution to make sure that no other consequential amendments are needed, and accordingly members are asked at para 2.3 to grant delegated authority to the Monitoring Officer for this purpose.
- 4.6 In relation to member allowances, the 2011/12 budget for allowances for the Chairman and Vice Chairman is £5825. Members are reminded that this allowance is agreed as part of the budget process by members and is not set by the Independent Remuneration Panel. Under the proposed arrangements an allowance would be available for the Chairman of the Council and the Civic Head of the Council. Subject to members approval the proposed allowance would be set at £3500 per annum. This would be paid from the £5825 referred to above with the remainder to be transferred from existing budgets. It is not proposed that there would be any allowance for the Vice Chairman or the Deputy Civic Head. It is further proposed that the allowance for the Chairman of the Council and the Vice Chairman be increased each year by the same percentage as the increase applied to the basic allowance for members.
- 4.7 Accordingly members are asked to consider the proposed arrangements set out in this report. Were members to be minded to approve the arrangements it is envisaged that the changes would be implemented with immediate

BROMSGROVE DISTRICT COUNCIL

COUNCIL

22nd June 2011

effect. This means that the Council would need to make appointments to the posts of Civic Head and Deputy Civic Head at the earliest opportunity.

5. FINANCIAL IMPLICATIONS

- 5.1 As detailed in this report the £7000 for the two roles would be met from a combination of the current budget of £5825 together with £1175 which would be funded from existing budgets.

6. LEGAL IMPLICATIONS

- 6.1 The legislative requirements which the Council must adhere to in relation to the role of Chairman and Vice Chairman of the Council are set out in the main body of this report at para 4.1. The authority for making payments to the person who chairs the Council/ carries out civic duties can be found at subsections 3 (5) and 5 (5) of the Local Government Act 1972. As referred to in the main body of the report the Monitoring Officer is of the view that the proposed arrangements would be sufficient to enable the Council to meet its obligations under the relevant legislation.

7. POLICY IMPLICATIONS

- 7.1 None.

8. COUNCIL OBJECTIVES

- 8.1 CO3 – Sense of Community and Well-Being

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 There are no risks associated with this report.

10. CUSTOMER IMPLICATIONS

- 10.1 If adopted the new arrangements will be publicised to the public and those who have regular dealings with the Chairman will be notified by letter of the new arrangements.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

BROMSGROVE DISTRICT COUNCIL

COUNCIL

22nd June 2011

11.1 N/a

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 N/a

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 The governance implications are addressed in the main body of the report.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 N/a

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 Changes to be publicised as set out in para 10 above.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes

BROMSGROVE DISTRICT COUNCIL

COUNCIL

22nd June 2011

Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

Appendix 1 – Draft amendments to Part 25 of the Constitution

23. BACKGROUND PAPERS

None

24. KEY

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BROMSGROVE DISTRICT COUNCIL

COUNCIL

22nd June 2011
