
Constitution Review Working Group – Recommendations Relating to the Content of the Council's Constitution

Relevant Portfolio Holder		Councillor K. May, Leader and Cabinet Member for Strategic Partnerships, Economic Development and Enabling
Portfolio Holder Consulted		Yes, she attended the meeting of the Constitution Review Working Group at which this matter was discussed
Relevant Assistant Director		Claire Felton, Assistant Director of Legal, Democratic and Procurement Services
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Wards Affected		N/A
Ward Councillor(s) consulted		N/A
Relevant Council Priority		Sustainability
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

1. RECOMMENDATIONS

Council is asked to RESOLVE that

The Council Procedure Rules in the Council's constitution be amended, as detailed in Appendix 1, to require a name to be drawn from a hat to appoint a Chairman to preside at a meeting of a Committee in the event of an equality of votes being returned for two rival candidates for the position of Chairman of that Committee for that municipal year.

2. BACKGROUND

- 2.1 The report outlines current arrangements for the appointment of Chairman and Vice Chairmen of Committees at Bromsgrove District Council. In addition, the report details amendments to the constitution in respect of appointments proposed at a meeting of the Constitution Review Working Group (CRWG) held on 10th July 2026.
- 2.2 Members are invited to consider the recommendation put forward by the CRWG and to determine whether to amend the Council's constitution accordingly.

3. OPERATIONAL ISSUES

Background

- 3.1 At Bromsgrove District Council, the Chairmen and Vice Chairmen of Committees are appointed at the first meeting of the Committee held in the municipal year.
- 3.2 The first meeting of the Overview and Scrutiny Board in the 2026/27 municipal year was held on Tuesday 16th June. As one Member of the Board was unable to attend the meeting and was not represented by a substitute, ten of the eleven members of the Board were in attendance at the meeting.
- 3.3 No Chairman or Vice Chairman was appointed at the meeting of the Overview and Scrutiny Board as there was an equality of votes for two candidates. Members were invited to consider appointing a Member to Chair that meeting only and also whether they wished to proceed with the meeting in the absence of a Chair. In both cases, no majority vote was agreed and therefore the meeting had to be abandoned.
- 3.4 Questions were raised at the meeting about whether there was a process that could be followed to determine a successful candidate for the position of Chairman in the absence of a majority vote. However, there is no relevant mechanism currently in the Council's constitution that would enable this process to occur.

Potential Options

- 3.5 Following the meeting of the Overview and Scrutiny Board, Officers consulted with colleagues at other Councils about the arrangements in place at those authorities for the appointments of Committee Chairmen and Vice Chairmen.
- 3.6 Governance colleagues at other local authorities have also been consulted regarding their suggestions for appointing Chairmen to Committees in the event of an equality of votes for different candidates.
- 3.7 The following suggestions were received:
 - a) Alternating the appointment of different Members to the position of Chairman of a Committee at different meetings held throughout the year.

- b) Drawing lots to identify the successful candidate. This could take different forms, such as cutting a deck of cards, tossing a coin or drawing the name of a successful candidate from a hat.
- 3.8 Should Members be unable to agree the appointment of a Chairman or Vice Chairman of a Committee for the meeting, a senior officer can facilitate the meeting. This should only occur subject to Members agreeing in a resolution to proceed with the meeting in the absence of a Chairman.
- 3.9 The CRWG considered the options available in the event of an equality of votes being recorded for two rival candidates for the position of Chairman of a Committee. There was consensus that it was important to identify a way forward that would enable meetings to take place and important Committee business to be considered.
- 3.10 During the meeting of the CRWG, Members identified option b, whereby lots could be drawn, as their preferred method to appoint a Chairman. However, concerns were raised that, given the importance of the role of a Committee Chairman and the value arising from a Committee Chairman having the support of a majority of the Committee's members, this would not be the most appropriate approach to adopt to appoint the Chairman who would serve for the whole of the municipal year. Therefore, the CRWG proposed that lots should instead be drawn in this situation to appoint a Chairman to preside at that meeting only. The appointment of a permanent Committee Chairman for that municipal year would then need to be included as the first item of business on the agenda for consideration at the following meeting of the Committee.
- 3.11 The CRWG agreed that, for clarity, it was important to identify a method for the drawing of lots which should be recorded in the Council's constitution. This would help to ensure that the final decision appointing the Chairman for that meeting could not be challenged by the unsuccessful candidate. The preferred option identified at the meeting was for the name of one of the remaining two candidates for the position of Committee Chairman to be drawn from a hat.
- 3.12 It should be noted that currently an odd number of members is appointed to serve on each Committee at the Council that forms part of the political balance. Therefore, subject to all Members of a Committee being in attendance, or arranging for substitutes to attend in their absence, it should be possible for a majority vote to be reached in votes on appointments. However, the proposed change to the constitution would enable meetings to proceed in the event that an

even number of councillors are in attendance at a meeting and an equality of votes has been received for two remaining rival candidates.

4. FINANCIAL IMPLICATIONS

- 4.1 The Chairmen of various Committees are eligible to receive a Special Responsibility Allowance (SRA) under the Scheme of Members' Allowances. Currently a member would only be eligible to receive the Chairman's SRA if they were appointed Chairman of the Committee for the municipal year.

5. LEGAL IMPLICATIONS

- 5.1 Appointments to the position of Chairmen and Vice Chairmen of Committees are currently made in accordance with Council Procedure Rule 18.6 in the Council's constitution. This states the following:

"If there are two or more people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person."

- 5.2 Mathematically, if there are an even number of Members in attendance at a Committee meeting, and two candidates remaining at the end of the voting process, there is the possibility that no one candidate will receive a majority of votes. This situation is not addressed currently in the Council Procedure Rules.
- 5.3 However, the proposed change to the Council Procedure Rules, as detailed in Appendix 1, would introduce a process that could be followed in this scenario. The proposed change to the constitution requires Council's approval.
- 5.4 The CRWG rejected the suggestion of alternating Committee Chairmen as this was considered to be less practical than the other option available. In this scenario, the first item of business on the agenda for each meeting would need to be the appointment of Chairman for the meeting. There would be a risk that if an even number of Councillors were in attendance at a meeting, agreement would not be reached on the appointment.

- 5.6 There is the potential for Committee meetings to be held in the absence of a Chairman, in the event that there is an equality of votes for rival candidates. (The exception to this is full Council, which must have a member presiding at every meeting). However, in order to do so, Members present at the meeting must pass a resolution agreeing to that effect. An officer may then call out the items, although cannot chair the meeting in the traditional sense of a Councillor Chairman in that they cannot submit any votes.

6. OTHER - IMPLICATIONS

Local Government Reorganisation

- 6.1 There are no implications for Local Government Reorganisation.

Relevant Council Priority

- 6.2 The proposals detailed in this report relate to Council sustainability.
- 6.3 Where Members are unable to agree the appointment of a Chairmen and Vice Chairmen of a Committee and there is no consensus amongst Members about a Chairman for that meeting or about proceeding in the absence of a Chairman, it is currently not possible to proceed with the meeting. This can cause disruption to Council business and thereby to the authority's sustainability.

Climate Change Implications

- 6.4 There are no climate change implications.

Community Impact

- 6.5 There are no specific implications for community safety, health or wellbeing.

Equalities and Diversity Implications

- 6.6 There are no specific equalities and diversity implications.

7. RISK MANAGEMENT

- 7.1 The situation that occurred at the Overview and Scrutiny Board meeting held on 16th June 2026 was unusual, insofar as no Chairman or Vice Chairman was appointed and no agreement was reached on appointing a temporary Chairman for the meeting or on proceeding in the absence of a Chairman. However, there is a risk that this could occur again in the future, either at a meeting of the Board or of another Committee.
- 7.2 Therefore, to ensure that a Chairman and Vice Chairman can be appointed in future by a Committee in the event of there being an equality of votes for two candidates, Members may conclude it would be sensible to introduce a mechanism, to be incorporated into the constitution, which would enable a Chairman to be appointed.
- 7.2 Failure of Members to agree the appointment of Chairmen and Vice Chairmen of Committees could cause reputational damage to the authority.

8. APPENDICES and BACKGROUND PAPERS

Background Papers

Bromsgrove District Council's constitution.

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor K. May	
Lead Director / Assistant Director	John Leach, Chief Executive	10/07/26
Legal Services	Nicola Cummings, Principal Solicitor - Governance	10/07/26