

# Report

## Democratic Services Committee

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### Part 1

Date: 24<sup>th</sup> October 2019

Item: 6

### **Subject** Chair of Council/Presiding Officer

**Purpose** To consider proposals for the appointment of a Presiding Member (and Deputy Presiding Member) as Chair of Council

**Author** Head of Law and Regulation

**Ward** All Wards

**Summary** The Local Government (Democracy) Wales Act 2013 gave local authorities the power to appoint a Presiding Member (and Deputy Presiding Member) to act as Chair of Council and discharge any other non-executive functions, as determined by the Council. The purpose of having a stand-alone Chair of Council was to reflect the specific role of presiding over Council meetings and the skills required to manage Council business in a fair and efficient manner. These roles and responsibilities are quite distinct and different from the other civic, ambassadorial and ceremonial roles discharged by the Mayor (and Deputy Mayor) as the first Citizen of the City. Many councils in Wales have now gone down this route and have appointed a specialist Presiding Member to chair council meetings.

A Member of the Executive may not be elected as Presiding Member/Chair of Council, but can be elected as a stand-alone Mayor. If remunerated, a Presiding Member is entitled to a Band 3 Senior Salary of (currently) £22,568 and the post would count towards the Senior Salary cap for the Council of 18 posts.

Where a Presiding Member is appointed the Council must appoint a Deputy Presiding Member. A Deputy Presiding Member cannot be a member of the Executive and is not entitled to be remunerated.

Consequential amendments would be required to the Council's Constitution to reflect the separation of the Chair of Council and Mayoral roles.

**Proposal** To consider proposals for the appointment of a Presiding Member (and Deputy Presiding Member) as Chair of Council and make recommendations to Council.

**Action by** Head of Law and Regulation

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Executive
- Leader of the Council

- Head of Finance
- Head of People and Business Change

## Background

1. The Local Government (Democracy) Wales Act 2013 Section 51 amended the Local Government Act 1972 and gave local authorities in Wales the power to appoint a Presiding Member (and Deputy Presiding Member) to act as Chair of Council and discharge any other non-executive functions, as determined by the Council.
2. In Newport, the role of chairing full Council has always been discharged by the Mayor and (in the absence of the Mayor, by the Deputy Mayor). The Mayor receives a Band 3 civic salary of (currently) £22,568 for the civic and ceremonial responsibilities attached to the role, which does not count towards the Council's allocated number of Senior Salaries. In accordance with the Local Government Act 2000, any member of the Executive cannot act as Chair of Council, which has effectively precluded any Cabinet members from serving as the Mayor.
3. Many Welsh Councils have now gone down the route of appointing stand-alone Presiding Members. The purpose of having a stand-alone Chair of Council is to reflect the specific role of presiding over Council meetings and the skills required to manage Council business in a fair and efficient manner. These roles and responsibilities are quite distinct and different from the other civic, ambassadorial and ceremonial roles discharged by the Mayor (and Deputy Mayor).
4. In accordance with Section 24A of the Local Government Act 1972 (as amended), Full Council must determine whether to have a Presiding Member and may determine the functions of the Presiding Member and the term of office of that member. The functions of the Presiding Member may in particular include any function of the Chair of the Council in relation to its meetings and proceedings.
5. A member of the Executive may not be elected as the Presiding Officer. If remunerated, a Presiding Member is entitled to a Band 3 Senior Salary (currently £22,568) and the post would count towards the Senior Salary cap for this Council of 18 posts. The Council has currently allocated 17 of its 18 Senior Salary allowances and, therefore, an additional payment to a stand-alone Presiding Member can be accommodated within the current Members Scheme of Remuneration. The Mayor would continue to be entitled to a civic salary of £22,568, for the civic and ceremonial responsibilities attached to the role.
6. A Presiding Member continues in office until the occurrence of:-
  - (a) the Presiding Member's resignation or disqualification;
  - (b) a successor becoming entitled to act as a Presiding Member;
  - (c) the Council determining not to have an office of Presiding Member; or
  - (d) an Ordinary Council election.

It is common practice for any Presiding Member to be appointed at the Annual General Meeting of the council and to hold office for a period of 12 months, subject to reappointment. Unlike the Mayor, who is elected on seniority and only serves in office for one municipal year, the appointment of the Presiding Officer is determined by a majority of votes at the AGM, based upon the requirements of the post, and may be re-elected.

7. Where a Presiding Member is appointed the Council must appoint a Deputy Presiding Member. A Deputy Presiding Member cannot be a member of the Executive and is not entitled to be remunerated. However, the Deputy Presiding Member may do anything authorised or required to be done by the Presiding Member in the absence of that Member.
8. The Presiding Member would preside over meetings of the full Council and ensure Council meetings are conducted in line with the Council's Constitution. The Presiding Member would undertake all other administrative functions relating to the application of the Council's Constitution previously assigned to the Mayor. For example, the Presiding Member would also carry out those duties required under the Family Absence for Members of Local Authorities (Wales) Regulations

2013. This is currently assigned to the Mayor, in terms of “authorising” family absences, but in practice the need for such authorisation has never arisen as Members can be absent for 6 months under the general law and any prolonged absences can be sanctioned by Council.

9. The appointment of a stand-alone Presiding Member would leave the Mayor free to act as the ceremonial head of the Council and to represent the Council at all civic and ceremonial functions. He/she would continue to use the title of “Mayor” or “Maer” and chair of the council would be entitled to the style of “civic chair” or “cadeirydd dinesig”.
10. This would also mean that a Member of the Executive could also serve as the Mayor, in accordance with the seniority rules, because they would no longer be responsible for chairing the Council meetings. However, they would only be entitled to one Senior or Civic Salary.
11. If Democratic Services Committee are minded to recommend to Council that a Presiding Member (and Deputy Presiding Member) should be appointed, then it would be appropriate for this to take effect as from the Municipal Year 2020/21 and for the appointments to be made annually as the first item of business at the Annual General Meeting of the Council in May. The Mayor-making ceremony can then be carried out separately, as a purely ceremonial function.
12. Consequential amendments would be required to the Council's Constitution to reflect the separation of the Chair of Council and Mayoral roles. In particular, the member role descriptions, Article 5 (Chairing the Council) and Part 4 Appendix 2 (Standing Orders).

## Financial Summary

If a stand-alone Presiding Member was appointed, then an additional cost of £22,568 (plus pension contributions) would be incurred as the position would carry a Band 3 Senior Salary. Additional budgetary provision would need to be made within the Members Allowances budget to cover this cost. However, if a serving Cabinet Member took up the office of Mayor, then only one senior salary could be paid, so there would be a corresponding saving of £22,568 in relation to the civic salary. The Deputy Presiding Officer is not entitled to be remunerated and, therefore, this would have no financial implications.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Not appointing a Presiding Member/Deputy	L	M	The Mayor would continue to fulfil both the ceremonial role and the function of chairing Council	Head of Law & Regulation
Appointing a Presiding Member/Deputy	L	M	There would be a clear separation of functions within the Constitution.	Head of Law & Regulation

## Links to Council Policies and Priorities

Effective governance arrangements are fundamental to the work of the Council and the delivery of the Corporate Plan. Ensuring that the appropriate governance arrangements are in place is also consistent with the sustainability duty under the Future Generations and Well-Being Act and the well-being goals of a more equal Wales and a Wales of cohesive communities.

## **Proposal**

To consider proposals for the appointment of a Presiding Member (and Deputy Presiding Member) as Chair of Council and make recommendations to Council.

## **Comments of Chief Financial Officer**

If a stand-alone Presiding Member was appointed, then an additional cost of £22,568 (plus pension contributions) would be incurred as the position would carry a Band 3 Senior Salary. Additional budgetary provision would need to be made within the Members Allowances budget to cover this cost.

## **Comments of Monitoring Officer**

Set out in the Report

## **Staffing Implications: Comments of Head of People and Business Change**

There are no staffing or policy implications

## **Background Papers**

None.

Dated: 18<sup>th</sup> October 2019