

Committee: UTTLESFORD DISTRICT COUNCIL
Date: October 18, 2005
Title: CHAIRMAN OF THE COUNCIL
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510400

Agenda Item

10

Item for
decision

Summary

This report has been prepared at the request of group leaders following the annual meeting held in May 2005. It recalls the unsatisfactory nature of the proceedings for the election of the chairman of the council at that meeting and makes suggestions to avoid such difficulties in the future.

Recommendations

1. That provision be made in the revised constitution to require nominations for the posts of Chairman and Vice Chairman of the council to be made at the meeting prior to the annual meeting.
2. That the council advise the terms in which they wish the role and duties of the Chairman and Vice Chairman to be defined in the constitution.
3. That the provision for an 'Acting Vice Chairman' be abolished.
4. That past chairmen of the council be recognised as a source of assistance to the Chairman and Vice Chairman in carrying out their civic duties and be issued with a badge recognising their position on leaving office.

Background Papers

None

Impact

Communication/Consultation	Communication on this issue will form part of the communication on the revised constitution.
Community Safety	None
Equalities	None
Finance	Limited additional cost for the provision of 'Past Chairman' badges
Human Rights	None
Legal implications	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

1. Throughout this report, references to the Chairman of the Council should be taken to include also the Vice Chairman of the Council unless it is clear from the context that this is not the case.
2. Following the council's annual meeting in May 2005, a number of concerns were raised about the process by which the chairman had been elected and the role which the chairman was expected to play.
3. In the run up to the annual meeting, when it became apparent that the vice chairman was unable to take on the role of chairman due to his ill health, there was some uncertainty as to who was to succeed the outgoing chairman. This uncertainty causes difficulties in the operation of the council since, in the absence of a known successor, a significant number of invitations need to be dealt with and we run the risk of damaging the council's standing in the community if we are unable to make commitments on behalf of an incoming chairman.
4. From the point of view of potential chairmen, uncertainty is also unsatisfactory. The role of chairman is an arduous one which requires significant commitment of both time and energy. It is not reasonable to expect someone to take on the role at short notice with no ability to ensure that personal affairs and commitments are suitably arranged to allow for a successful year in office.
5. Following the annual meeting, the Chief Executive met the leaders of the three political groups and agreed to bring forward a report on these matters to the council's October meeting. The report deals with three main issues:
 - The arrangements for the election of the Chairman
 - The nature of the role of Chairman
 - Arrangements for the support of the Chairman in cases of illness or otherwise prolonged absence.

Election of the chairman

6. The law requires that the Chairman be elected at the Annual Meeting of the Council. The council's own procedures cannot overrule that requirement.
7. It has been the practice at Uttlesford District Council that the outgoing Vice-Chairman should succeed to the office of Chairman at the Annual Meeting. This allows officers to know who is likely to be the next chairman and to consult that individual on the invitations and other issues that arise in the run up to the handover. It also allows the Vice Chairman to succeed to the Chairmanship with some experience of the requirements under their belt and gives them a full year to arrange their own affairs to allow for the commitments of a year as chairman.

8. In the circumstance that arose this year, it was clear that the Vice Chairman's health would not allow him to take office as Chairman and there was no certainty until the date of the meeting itself as to who was to become chairman. This was an unsatisfactory state of affairs for all concerned.
9. Although the need for the election of the Chairman at the annual meeting cannot be avoided and therefore absolute certainty will never be possible, there are two potential mechanisms which might allow some clear indication of likely successors to be given at the meeting preceding the annual meeting.
10. The first option would be to carry out an indicative appointment at the last meeting of the council prior to the annual meeting. This would give an indication that the council intended to appoint particular individuals to the posts of Chairman and Vice Chairman. This could not be binding on the annual meeting, but there would be an expectation that the council would not normally 'change its mind' between the two meetings. In normal circumstances it would be expected that the indication would be that the outgoing Vice Chairman would succeed to the Chairmanship and a fresh candidate would be indicated as the likely Vice Chairman.
11. A second option would be to write into the council's constitution that the nominations for Chairman and Vice Chairman should be made at the last ordinary meeting before the annual meeting and that – other than in unusual circumstances – the chairman would be elected from those candidates so nominated.
12. The advantage of the second option above is that it would be more binding on the council than the first option. An appropriate set of clauses has been incorporated into the draft constitution which is also being considered at this meeting.

Role of the Chairman

13. The role of the chairman is set out in Article 5 of the draft constitution. This is based on the model provided by the Office of the Deputy Prime Minister.

Support for the Chairman

14. Due to the prolonged illness of the Vice Chairman in 2004-5, the council decided to create the post of 'Acting Vice Chairman' to provide support to the Chairman in carrying out her duties.
15. While this decision was reasonable at the time, a number of anomalies exist in the way the position was created which mean that it is appropriate to reconsider that decision at this stage.
16. Among these anomalies are:
 - That no guidance exists for the circumstances in which an Acting Vice Chairman should be appointed or how and by who it should be decided that the position is no longer necessary.

- That the provision allows only for the absence of the Vice Chairman, not for the absence of the Chairman. While in some ways this need not be an issue since the constitution provides that the Vice Chairman should deputise in the Chairman's absence, it still leaves only one person active when there would normally be two in the team.
17. However, there is no doubt that there could be circumstances in which a wider pool of support would be required for civic duties. This might be because of the absence of the Chairman or Vice Chairman or simply due to a clash of dates which cannot be avoided.
 18. It is therefore suggested that the revised constitution should not include any provision for an Acting Vice Chairman, but that former Chairmen of the Council should be recognised as such and that those past Chairmen could be called upon to support the Chairman in carrying out their duties.
 19. Some appropriate form of civic badge for past chairman will be devised and presented to the outgoing chairman at the time they leave office.

Concern about 'politicisation'

20. There have been a number of concerns expressed that the Chairman's role should be non-political and that recent events might contribute towards that.
21. The council is a political organisation and debates within the council can be highly charged with vigorous disagreements between members of a party political nature. This is inescapable, fundamental and desirable as a feature of the council's operations.
22. However, the Chairman's duty is to be able to ensure that all members of the council are able to freely and fully participate in its processes and while – unlike the Speaker of the House of Commons – they remain members of their group during their time in office, they do need to be somewhat 'above the fray'.
23. No provision exists in the constitution barring the Chairman from any particular post but there has been a convention that the Chairman should not occupy the main 'partisan' positions within the council. Councillor Godwin stood down as leader of her group while she was chairman, for example. The limits of this convention are hard to define and best left to agreement or understanding to be reached among the political groups.
24. The Chairman has by law an additional casting vote in any tied vote within the council. They have the right to cast that vote according to their conscience and no requirement (for example to vote to maintain the status quo) can be placed upon them as to how they cast that vote. It should not be a surprise if that vote is often cast to support the position of the group the Chairman belongs to.

Risk Analysis

25. The following have been assessed as the potential risks associated with this issue.

Risk	Likelihood	Impact	Mitigating actions
That the position of chairman fails to command the respect and support of the council and community	Medium	High: there is potential for serious damage to the reputation of the council resulting in the capacity of the council to carry out its community leadership role.	The various political groups on the council will need to ensure that there is clear communication within and between them on the requirements for the role.
That inadequate support exists for the chairman to carry out civic duties effectively	Low	High: local and partner organisations would be unable to have the support of the council in their own functions leading to reputational damage.	The proposed arrangements for 'Past Chairmen' will ensure a wide pool of support is available
That uncertainty over the identity of the incoming chairman will prevent appropriate planning for the coming year	Low	Medium: although the impact would be similar to those above, it is likely that such issues would be resolved during the early part of the chairman's year in office.	The convention that the Vice Chairman succeeds to the Chairmanship reduces this risk in most years. The proposals for advance nomination should remove it in other circumstances.