

# Report



## Democratic Services Committee

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### Part 1

Date: 30<sup>th</sup> March 2022

**Subject** Presiding Member/Chair of Council

**Purpose** To update the Committee concerning the arrangements, roles and responsibilities for the Presiding Member.

**Author** Democratic and Electoral Services Manager and Head of Law & Standards

**Ward** City wide

**Summary** On 25<sup>th</sup> January 2022 Council resolved to appoint a Presiding Member to chair meetings of full Council as from May 2022 and facilitate these meetings in a hybrid environment. This report provides further details of the arrangements, roles and responsibilities for the Presiding Member.

**Proposal** To note the contents of the report, and the procedural arrangements.

**Action by** Democratic and Electoral Services Manager

**Timetable** In line with Annual General Meeting

This report was prepared after consultation with:

- Head of Law and Regulation
- Head of Finance
- Head of People and Business Change

## **Background**

On 25<sup>th</sup> January 2022, full Council resolved to appoint a Presiding Member to chair the hybrid Council meetings from their inception in May 2022. The role of Presiding Member will be distinct from the wider civic and ceremonial duties required of the Mayor.

This report provides further details of the arrangements, roles and responsibilities for the Presiding Member. The appointment of the Chair of Council/ Presiding Member and the Vice-Chair/Deputy Presiding Member will be determined at the Council Annual General Meeting on 17<sup>th</sup> May 2022. Council will also be asked to endorse the necessary changes to the Constitution as a consequence of the adoption of the new Presiding Member role.

The Local Government and Elections (Wales) Act 2021 aims to enable a local democracy which reflects Wales' diversity as a nation, provide local government with new ways to support and serve their communities and reinvigorate local democracy in Wales.

The Act requires that principal councils in Wales encourage local people to participate in local government through a number of changes to the constitution and arrangements prescribed in the legislation.

The Act encourages Local Authorities to adopt strategies with arrangements that suit their own circumstances.

Under the legislation Newport City Council will be moving to hybrid meeting arrangements for full Council and other meetings required under statutory arrangements. Hybrid meetings will facilitate attendees to fully participate in the meeting either from the Council Chambers, or through digital means at another location. This change supports members to balance their Councillor roles and responsibilities with other obligations, such as caring for dependents or other paid employment. Hybrid meetings also make the meetings more accessible for attendees in general.

## **Changes to Constitution**

The constitution is being amended to update the new arrangements, and guidance and protocols for hybrid meetings is currently in development.

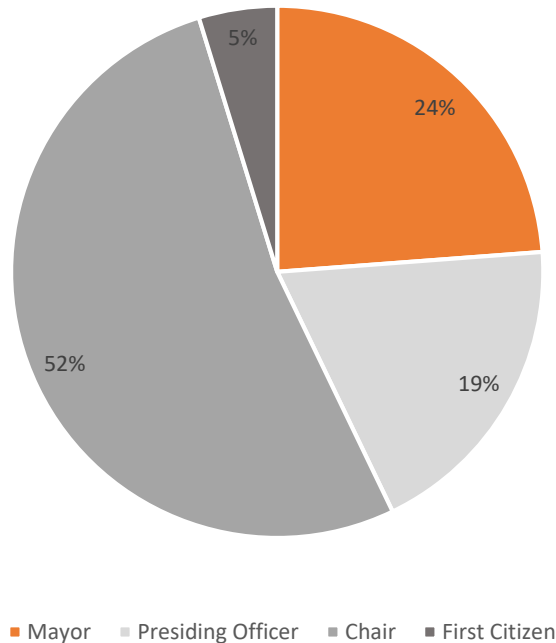
Chairing hybrid meetings will be more challenging than chairing meetings which are run completely in person or completely on Teams, simply due to the complications that attendees being in different locations naturally present. New technology has been installed to support the new arrangements, but hybrid meetings will require the chair to manage and oversee Members in the Chamber, plus Members attending virtually, including those wishing to speak and vote. Under the legislation, Council meetings will continue to be broadcast live to the public, and available to view following the meeting. Therefore, the Council meetings continue to be a very highly visible function of the Council that support transparency around decision making and effects the reputation of the Council.

Support and training will be put in place to support the Member chairing full Council, however this will require a new set of skills and these are expected to be developed over time. This will require a significant investment in time and effort from both the Member and support staff in order to become competent in this new arena.

A new approach to chairing Council will be beneficial in providing focus on the development of this newly required skill set and the efficient and effective deployment of hybrid meetings.

## Context

The majority (76%) of Welsh Local Authorities appoint a Presiding Member, Chair or First Citizen to a role that primarily chairs full Council. Some of these have separate mayoral roles, and some Local Authorities no longer have a mayoral role at all.



The common procedural thread that runs throughout the arrangements for all 16 of the Local Authorities with a Presiding Officer is that they nominate, vote for, and elect the chair at their annual general meeting (AGM).

This reflects the existing procedures in Newport, whereby the Chairs of Committees are nominated and elected at the AGM. The appointment of a Presiding Member will be the first appointment made at the AGM in May 2022 under this agenda item. A Deputy Presiding Member will also be appointed at the first AGM.

## Roles and Responsibilities

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.

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.

A member of the Executive may not be elected as the Presiding Officer. A Presiding Member is entitled to a Band 3 Senior Salary (£25,593 as from May 2022) and the post will count towards the Senior Salary cap for the Council of 18 posts. The Mayor will continue to be entitled to a civic salary of £25,593 as from May, for the civic and ceremonial responsibilities attached to the role. The Deputy Presiding Member/Vice Chair of Council is not entitled to any senior salary.

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.

The appointment of the Chair of Council/Presiding Member will be the first item of business to be determined at the Council AGM in May. The Mayor-making ceremony will be carried out separately, as a purely ceremonial function. The Presiding Member would 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

The Council must also 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. There could be an agreed informal protocol between the respective groups on the new Council that the Deputy Presiding Member should be nominated by another group to the Presiding Member's group. However, as the legal requirement is that both appointments have to be voted on in full Council, then any such arrangement would have to be on an informal basis.

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 could also chair all-member training and development sessions. The post-holder could also 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.

A revised Role Description for the Presiding Member and Deputy Presiding Member is attached at [Appendix 1](#) and Council will be asked to approve that role description at the AGM in May.

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".

Other consequential amendments will 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**

Councillors receive a basic allowance and those holding certain positions (for example, a cabinet member or chair of a scrutiny committee) receive an additional allowance to reflect

the extra workload and commitments involved. Once adopted, the scheme of allowances for 2022/23 will be based on the [report by the Independent Remuneration Panel for Wales](#). The financial implications associated with this change the difference between the basic salary for Members, and the Band 3 Chair salary as set by the Independent Remuneration Panel. The annual difference is £8,793. The IRP does not make any provision for remuneration for Deputy Presiding Member.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of Risk occurring	What is the Council doing or what has it done to avoid the risk or reduce it's effect	Who is responsible for dealing with the Risk?
Reputational risk of poor hybrid meeting management	H	L	Development plan regarding training and support for Presiding Member	Democratic and Electoral Services Manager

\*Taking account of proposed mitigation measures.

## Links to Council Policies and Priorities

This links with the Strategic Equality Plan 2020-24. The commonality with the Equality Plan is ensuring that the Council has strong leadership and clear governance in place that will benefit all protected characteristics.

## Comments of Chief Financial Officer

There will be no adverse financial impact as a result of this proposal. The authority maintains a recurring "Members' Allowance" budget which includes sufficient provision to fund the additional £8,793 required to fund this proposal.

## Comments of Monitoring Officer

Set out in the report

## Comments of Head of People and Business Change

There are no workforce implications arising out of the report as this is a member structural change.

Effective governance arrangements are fundamental to the work of the Council and the delivery of the Corporate Plan and a move to hybrid meetings supports the development of A More Equal Wales; creating an environment that underpins increased diversity in decision-makers.

## Local Issues

Not applicable.

## Equalities Impact Assessment and the Equalities Act 2010

The role of Presiding Member supports equality through clear and consistent leadership, and in supporting the family absence legislation as part of the role.

## **Wellbeing of Future Generations (Wales) Act 2015**

Effective deployment of hybrid meetings supports the development of A More Equal Wales; creating an environment that underpins increased diversity in decision-makers. The Strategy does not adversely affect any of the other Well-being Goals for Wales.

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.

### **Background Papers**

- [Council Meeting 25th January 2022](#)
- [The Strategic Equality Plan 2020-2024](#)

## **Appendix 1**

### **Presiding Member/Chair of the Council Role Description**

#### **1. Accountabilities**

- Full Council

#### **1. Role Purpose and Activity**

- **Acting as a symbol of the Council's democratic authority**
  - As the Chair of Council, to be non-political and uphold the democratic values of the Council.
- **Chairing Council meetings**
  - To preside over meetings of the Council, so that its business can be carried out efficiently.
  - To ensure the Council conducts its meetings in line with the Council's Standing Orders.
  - Chairing all-member training and development sessions from the Council Chambers.
- **Upholding and promoting the Council's Constitution**
  - To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution
- **Internal governance, ethical standards, and relationships**
  - To promote and support good governance of the Council and its affairs.
  - To provide community leadership and promote active citizenship.
  - To promote and support open and transparent government.
  - To support, and adhere to respectful, appropriate, and effective relationships with employees of the Council.
  - To adhere to the Members' Code of Conduct, Member/Officer Protocol, and the highest standards of behaviour in public office
- **Other administrative functions**

- To undertake such other administrative functions relating to the application of the Council's constitution, as may be required from time to time.
- To carry out those duties required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013 in relation to the authorisation of family absences.

## **2. Work programming**

- To prepare and manage an annual work programme for the Council to meet its legal obligations (e.g. setting the budget and the Council Tax and making appointments)

## **3. Values**

- To be committed to the values of the Council and the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

### **Vice Chair/Deputy Presiding Member**

The Vice chair/Deputy Presiding Member will assume the Presiding Member's responsibilities in their absence;

- To fulfil the duties of the Chair in his or her absence
- To assist the Chair in specific duties as required