

ARTICLE XX – ROLE AND POWERS OF COMMITTEE AND SUB-COMMITTEE CHAIRS

Appointment and general role

(a) The Council's Procedure Rules (xx) permit it to appoint, from amongst its voting Members, Chairs of Committees and Sub-Committees. Chairs are normally appointed annually, at the Council's Annual General Meeting in May. If the Council does not appoint a Chair in any particular case, the Chair is elected by the Committee or Sub-Committee. The Procedure Rules (xx) preclude any Member of the Council from being Chair of more than one Committee without the permission of the Council.

(b) Usually the annual appointments made by the Council include Vice Chairs for each Committee and Sub-Committee, which are generally able to exercise the powers vested in their Chairs if the Chairs are unavailable.

(c) Appointments should take into account relevant skills, knowledge, experience and suitability.

(d) As further explained in paragraphs xx and xx below, the role of Chair has some aspects which are formally recognised by law and relate to the conduct of meetings. Paragraph xx outlines the way Chairs are expected to fulfil their roles.

Fulfilling the Role of Chair

The Council expects that its Chairs will:

- have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee or Sub-Committee which they chair;
- attend all mandatory training sessions as required;
- lead in the development of the work of the Committee or Sub-Committee which they chair. This should take into account the wider vision, such as corporate, cross-service and partnership issues; lead in service delivery and the implementation of policies approved by the Council where these relate to the Committee or Sub-Committee which they chair;
- be the spokesperson for the Committee or Sub-Committee in relation to external affairs and communications;
- progress the Committee's or Sub-Committee's objectives with officers and Members, and as appropriate other people, groups and organisations;
- represent and pursue the interests of the Committee or Sub-Committee which they chair in the community and if appropriate at regional and wider levels;
- To promote and uphold high standards of ethical conduct by Members and the Council's equalities policies;
- in accordance with the Council's Constitution and the provisions summarised at paragraphs xx and xx below, ensure that:

(1) the meetings of the Committee or Sub-Committee which they chair are properly conducted and

(2) reports of proceedings are forwarded on as necessary, for example to full Council;

- support the performance of the Council's overview and scrutiny functions and participate in overview and scrutiny reviews as appropriate;
- maintain professional working relationships and establish mutual respect with all Members and officers;

Legal powers and Duties

- (a) The responsibility of a Chair for the proper conduct of meetings is formally recognised in law. There are provisions in the Local Government Act 1972 which apply to the holding and chairing of meetings, but much of the detail is supplied in the Council's Procedure Rules, which are standing orders made under powers in the 1972 Act. For any eventuality not covered in the legislation or the Procedure Rules, it may be possible to turn to the body of common law which the Courts have developed in relation to meetings.
- (b) The following are specific functions which a Chair has under the Local Government Act 1972:
- a power to exercise a second (casting) vote in the event of an equality of votes on any matter;
 - a duty to sign the minutes of the previous meeting;
 - a power to agree the addition of a late item of business to the agenda, if the Chair is of the opinion that it should be considered at the meeting as a matter of urgency.
- (c) To help the Committee or Sub-Committee which they chair make effective decisions, Chairs will not only ensure that the procedural rules applying to their Committee or Sub-Committee are observed, but also that any decisions made are sound in law. With assistance from officers as necessary, Chairs will ensure that the Committee or Sub-Committee:
- (1) observes any particular legal duties relevant to a proposed decision and
- (2) has regard as necessary to any general duties such as:
- compliance with the Human Rights Act 1998;
 - equalities;
 - the general fiduciary duties to its Council Taxpayers to act with financial prudence.
- (d) Finally, the Chair will ensure that the Committee or Sub-Committee reaches its decisions rationally, taking into account relevant factors and disregarding those which are irrelevant, including advice taken from the Monitoring Officer and Section 151 Officer.

Powers and Duties under the Council's Constitution

Under the Council's constitution, the role and powers of Chairs and, in their absence, Vice Chairs, are recognised in a number of ways, including the following:-

- (a) Appointment as Chair: Under the Council's Procedure Rules (XX), Chairs will normally be appointed at the Council's annual general meeting.
- (b) Setting the Agenda: Under the Council's Procedure Rules (XX), Chairs have power to direct that items of business be placed on the agenda of their Committee or Sub-Committee (in consultation with Group Spokespersons) and the order in which business is arranged on the agenda.
- (c) Conducting the meeting: Under the Procedure Rules (in particular XX), the Chair controls the proper conduct of meetings of his or her Committee or Sub-Committee. The Chair has discretion to depart from the formality of the Rules of Debate applicable to full Council meetings and such discretion is regularly exercised.
- (d) Reserve Power to call special Meetings: The Council's Procedure Rules (XX) permit a Chair to call a special meeting of his or her Committee or Sub-Committee at any time.
- (e) Reporting to full Council: It usually falls to Chairs to present any reports which need approval of full Council, under the Council's Procedure Rules (XX).
- (f) Duty to be available for Questions: The Council's Procedure Rules (XX) permit any Member of the Council to ask questions of any Chair at full Council meetings. Also a Chair can be questioned about any report which he or she is putting before the Council.
- (g) Right to be consulted: Under the Council's Scheme of Delegations to Officers, a number of delegated powers can only be exercised by officers after consultation with the relevant Chair.
- (h) Special Responsibility Allowance: In recognition of the role played by Chairs, Schedule 1 of the Council's Members Allowances Scheme allocates differing levels of special responsibility allowance payment to Chairs, the levels of payment being based on the levels responsibility.