

KENNET DISTRICT COUNCIL
MEETING OF THE COUNCIL – 24TH OCTOBER 2006
CONSTITUTION UPDATE

Report by the Solicitor to the Council

1. PURPOSE OF REPORT

To insert into the constitution a formal written procedure for the election of Chairman for committees and sub-committees for which the chairman is not appointed by Council.

2. FINANCIAL, RISK, STAFFING AND LEGAL IMPLICATIONS

None.

3. INTRODUCTION

The Chairmen of all of the main committees, with the exception of Overview & Scrutiny, are appointed by Council at its annual meeting.

The Overview and Scrutiny Management Board, sub-committees and Licensing Panels elect a chairman as their first item of business in each municipal year. There is currently no set procedure for electing chairmen of such meetings.

4. BACKGROUND

The Local Government Act 1972 provides clear instruction for who shall act as presiding chairman at the first meeting of the Council in each municipal year. It does not offer the same clear guidance on who should be the presiding chairman at a committee or sub-committee.

There are four options for who can act as presiding chairman at a committee, for the purposes of taking nominations:

- The Chairman of the Council
- The Chairman of the parent committee
- The incumbent chairman of the committee or sub-committee
- The senior officer present (not able to vote)

In the event of any of the above not being present, a presiding chairman can be elected from within the membership of the meeting. Schedule VI of

the Local Government Act 1972 requires that the presiding chairman must be able to have a casting vote in the event of an equality of votes.

An officer can not vote, and couldn't fully fulfil the presiding chairman role, but it is common practice for the senior officer present to call for nominations for Chairman. This practice ensures that the Chairman of the Council or parent committee are not unduly inconvenienced is also the most cost effective solution. In the event of an equality of votes it becomes necessary for the meeting to elect a presiding chairman from amongst the members present.

5. CONCLUSION

At present the Council has no written procedure to deal with the issue of who should act as presiding chairman, and a different approach will be taken depending on which officers are present and which combination of members.

Adopting a written procedure as part of the Constitution would mean that members and officers alike could have confidence in the application of the legal requirements for the election of a chairman for those meetings where the one is not appointed by Council.

6. RECOMMENDATION

That the following procedure be adopted and inserted into the Constitution at Part IV (1) B (Meetings and Procedures of Committees)

1A. ELECTION OF CHAIRMAN

For committees where a chairman is not appointed by Council, the following procedure be followed for the election of Chairman:

- i) If any of the following members are present they will act as presiding chairman, in the following order of precedence: Chairman of the Council; Vice Chairman of the Council; Chairman of the parent committee; Vice-Chairman of the parent committee; incumbent chairman of the committee; incumbent vice-chairman of the committee (should one have been appointed).
- ii) In the absence of any of the above, the senior officer present will invite oral nominations for the position of Chairman of the committee.
- iii) The senior officer present shall announce the name or names of the member(s) nominated and in the event of more than one nomination being received, the chairman of the committee shall be selected by means of a ballot taken by a show of hands.
- iv) In the event of an equality of votes, the senior officer present will invite oral nominations for the position of presiding chairman. In the event of more than one nomination a presiding chairman shall be elected by a ballot taken by a show of hands.

- v) The presiding chairman will then repeat steps ii). and iii)., and in the event of an equality of votes shall exercise a casting vote.

Background Papers: none.