



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
CORPORATE GOVERNANCE & CONSTITUTION COMMITTEE

2nd MAY 2019

APPOINTMENT OF A PRESIDING MEMBER

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &
COMMUNICATION.**

1. PURPOSE OF REPORT

- 1.1 To consider the proposal to appoint a Presiding Member (and Deputy Presiding Member) into the Council structure to undertake the administrative functions of the Chair of the Council as set out in Article 5 of the Council's Constitution (reproduced at Appendix 1 to the report).
- 1.2 To provide a recommendation in respect of the proposal to the Council Annual General Meeting on the 15th May 2019.

2. RECOMMENDATIONS

It is recommended that the Corporate Governance & Constitution Committee:

- 2.1 Considers the proposal to appoint a Presiding Member (and Deputy Presiding Member) into the Council structure whom would undertake the administrative functions of the Chair of the Council for which are currently carried out by the Mayor; and
- 2.2 Makes a recommendation to Council as to the appointment, or not, of a Presiding Member (and Deputy Presiding Member) for consideration by Council at its Annual General Meeting on the 15th May 2019.

3. APPOINTING A PRESIDING MEMBER

- 3.1 The ability to appoint a Presiding Member was introduced via amendments to the Local Government Act 1972 by the Local Government (Democracy) Wales Act 2013.
- 3.2 The purpose of appointing a Presiding Member is to enable a structure by which:

- a. The recognised governance and administrative functions of the position of the Chair of the Council are undertaken by the Presiding Member (or in his/her absence the Deputy Presiding Member); and
 - b. The ceremonial and civic functions could become a stand-alone role to be undertaken by the Mayor (or in his/her absence the Deputy Mayor).
- 3.3 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.
- 3.4 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. If remunerated, a Presiding Member is entitled to a Band 3 Senior Salary (for 19/20 £22,568) and the post would towards the Senior Salary cap for this Council of 19 posts.
- 3.5 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.
- 3.6 Where a Presiding Member is appointed the Council must appoint a Deputy Presiding Member. A Deputy Presiding Member is not entitled to be remunerated for the functions attributed to that post. A Deputy Presiding Member cannot be a member of the Executive and may do anything authorised or required to be done by the Presiding Member.
- 3.7 Members are asked to consider whether to adopt such a structure noting that only the administrative functions of the Chair of the Council as set out in Article 5 of the Council's Constitution (reproduced at Appendix 1 to the report) involved with chairing Council meetings and upholding and promoting the purposes of the Constitution would be transferred to the Presiding Member.
- 3.8 The Presiding Member's function would be to preside over meetings of the full Council and ensure Council meetings were conducted in line with the Council's Constitution. Further it is proposed the Presiding Member chair meetings of the Corporate Governance and Constitution Committee. It is proposed the Presiding Member undertake all other administrative functions relating to the application of the Council's Constitution previously aligned to the Mayor. The Presiding Member would also carry out those duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations 2013.

- 3.9 This 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 and adopt the Mayor title.
- 3.10 In light of the above Members are asked to consider the future arrangements of the Mayor and Chair of Council and the appointment of Presiding Member and Mayoral model as outlined above.
- 3.11 Should Council wish to make changes to the existing arrangements it would require consequential changes to the Constitution and it is recommended the Director of Legal Services (as Monitoring Officer) be given delegated authority to make such changes.

4. EQUALITY AND DIVERSITY IMPLICATIONS

- 4.1 None.

5. CONSULTATION

- 5.1 The Committee is being consulted prior to consideration of any proposals presented at the Council's Annual General Meeting.

6. FINANCIAL IMPLICATIONS

- 6.1 As outlined within Section 3.4 of the report, a Presiding Member is entitled to a Band 3 Senior Salary (for 19/20 £22,568).

7. LEGAL IMPLICATIONS

- 7.1 The legal implications and relevant legislation is outlined in the main body of the report.

8. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.

- 8.1 The work of all Councillors is fundamental to the work of the Council and subsequently the delivery of the Corporate Plan, hence ensuring Members are fully supported in undertaking their roles during Council meetings is important to the work of the Council overall.

- 8.2 Ensuring appropriate governance arrangements are in place is also essential to the smooth operating and sustainability of the Council when undertaking Council Business.

- 8.3 The proposal is also linked to the Future Generations well being goals of a more equal Wales and a Wales of cohesive communities.

ARTICLE 5 – CHAIRING THE COUNCIL

5.01 Title of the Person Chairing Council Meetings

The Councillor elected annually by the Council to Chair its meetings will be called the 'Mayor'.

5.02 Role and function of the Mayor

The Mayor of the Council and in his/her absence, the Deputy Mayor will have the following roles and functions;

(a) Ceremonial Role

The Mayor of the Council:

- (i) is the civic leader of Rhondda Cynon Taff;
- (ii) promotes the interests and reputation of the Council and Rhondda Cynon Taff as a whole and acts as an ambassador for both; and
- (iii) undertakes civic, community and ceremonial activities and fosters community identity and pride.

(b) Responsibilities of the Mayor

- (i) to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Cabinet and Committee Chair to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to be the conscience of the Council;
- (vi) to attend such civic and ceremonial functions as the Council and he/she determines appropriate;
- (vii) to carry out duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations 2013; and
- (viii) to Chair the Council's Corporate Governance and Constitution Committee.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Background Papers

Local Government Act 1972 (as amended)

Local Government (Democracy) Wales Act 2013