

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**COUNTY COUNCIL MEETING  
22<sup>nd</sup> JANUARY, 2014**

**REPORT BY: Solicitor to the Council**

**SUBJECT: Presiding Member of Council**

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**REPORT FOR: Decision and Information**

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**1. Introduction.**

1.1 The Local Government (Democracy) (Wales) Act 2013, amends the Local Government Act 1972 which allows a Council to elect a Chair and Vice-Chair, by also allowing a Council to elect a Presiding Member and Deputy Presiding Member.

**2. Role of Presiding Member / Deputy Presiding Member.**

2.1 It is for the Council to determine the functions of the presiding member. However the Explanatory Memorandum to the Act clarifies that some councils have sought to separate the role of civic head from that of presiding over council meetings. The Act therefore allows a Council to appoint a different Member from amongst its membership to act as a Presiding Member or Deputy Presiding Member when the Council decides that it is appropriate to separate the role of Chair who will conduct purely civic functions and the Presiding Member to preside over meetings of the Council.

**3. Restrictions on Appointment to Role of Presiding Member / Deputy Presiding Member.**

3.1 A member of the Executive may not be elected as a Presiding Member / Deputy Presiding Member of a Council.

**4. Term of Office.**

4.1 The term of office for a Presiding Member / Deputy Presiding Member is determined by the Council subject to the following limits:

- (a) The Presiding Member / Deputy Presiding Member's resignation or disqualification;
- (b) A successor becoming entitled to act as Presiding Member / Deputy Presiding Member;
- (c) The Council determining not to have an office of Presiding Member / Deputy Presiding Member; or
- (d) an ordinary Council election.

## **5. Remuneration.**

5.1 The Independent Remuneration Panel for Wales in its draft report for 2014-15 has determined that if a Presiding Member is appointed then they would be paid a senior salary at the appropriate level of Band 3 as determined by the Council. This post will count towards the Council's maximum cap for senior salaries. The Panel has further determined that the post of Deputy Presiding Member will not be remunerated.

## **6. Title of Chair / Vice-Chair of Council.**

6.1 Should the Council decide that it wishes to appoint a Presiding Member / Deputy Presiding Member then the title of the Chair and Vice-Chair would in accordance with the Local Government (Democracy) (Wales) Act 2013 be required to be renamed to "Civic Chair" and "Civic Vice-Chair"

## **7. Acceptance of Office.**

7.1 The Presiding Member and Deputy Presiding Member on their appointment would be required to sign a declaration of acceptance of office as for all civic posts.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<p><b>1. That the Council indicates whether it wishes to establish a post of Presiding Member / Deputy Presiding Member within the Council's Constitution.</b></p> <p><b>2. If the Council decides to establish the post of Presiding Member / Deputy Presiding Member:</b></p> <p><b>(a) that the functions of these posts would be in respect of presiding over meetings of the Council only and not undertaking any civic functions which would remain the responsibility of the Chair and Vice-Chair of the Council.</b></p> <p><b>(b) that the posts of Chair and Vice-Chair be renamed "Civic Chair" and "Civic Vice-Chair".</b></p> <p><b>(c) that the Council determines the level within Band 3 for the remuneration of the Presiding Member only.</b></p>	<p><b>To comply with statutory requirements in the Local Government (Democracy) (Wales) Act 2013.</b></p>

<b>Person(s) To Action Decision:</b>	<b>Clive Pinney, Solicitor to the Council.</b>		
<b>Date By When Decision To Be Actioned:</b>	<b>May, 2014</b>		
<b>Relevant Policy (ies):</b>	Council's Constitution.		
<b>Within Policy:</b>	<b>Y</b>	<b>Within Budget:</b>	<b>Y</b>
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