

# Executive

Excerpt of the minutes of the meeting held on Wednesday 10 July 2019 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

**Present:** Councillors Cooke, Day, Falp, Grainger, Matecki, Norris and Rhead.

**Also present:** Councillors: Syson (representing the Finance & Audit Scrutiny Committee); Davison (Chair of the Overview & Scrutiny Committee); Boad (Liberal Democrat Group Observer); Heath (Whitnash Residents' Group Observer) and Cullinan (Labour Group Observer).

Apologies for absence were received from Councillor Hales.

## 7. **Declarations of Interest**

There were no declarations of interest made in relation to this excerpt.

### **Part 1**

(Items for which a decision by the Council was required)

## 8. **Role of the Chairman of the Council – Task & Finish Group**

The Executive considered a report from Democratic Services bringing forward recommendations on the role of the Chairman of the Council following a Task & Finish Group Review as agreed by the Overview & Scrutiny Committee at its meeting on 2 April 2019.

A Task & Finish Group was formed in October 2017 by the Overview & Scrutiny Committee to undertake the review as set out within the defined scope, attached at Appendix 1 to the report. The Membership of the Group was established as Councillors Ashford, Mrs Knight and Margrave. The Group concluded its work in spring 2019 and its recommendations were supported by the Overview & Scrutiny Committee on 2 April 2019.

The Group undertook a significant amount of evidence gathering from Councillors, Past Chairmen and other District and Borough Councils, as summarised in Appendices 4-6 to the report. The Group was pleased that nearly half of all District Councillors had completed the survey, but were disappointed that some of the new Councillors from 2015 had not taken this opportunity.

In considering the information received, the Group was mindful of the challenges faced by the Council, including the Medium Term Financial Strategy, however, it was equally mindful of the Chairman being the first Citizen of the District and the important role they played as Civic Lead.

From the responses received to the consultations and reviewing the relevant legislation, the Group was aware that the Chairman was responsible for chairing the Council meeting and while beyond this the role was non prescriptive, it had consistently received evidence that the

Chairman should be there to promote, in particular, the work done by the Council.

Within the representations, there was strong agreement that the Chairman played an important part in recognising the hard work that the Parish/Town Councils undertook within the District and that the Chairman attending a meeting of each Parish & Town Council during their year in the office and/or holding a meal for them with guest speakers, was well received and enabled constructive dialogue.

There were some questions from Councillors with regards to the meaning and reason behind the Chairman being the 'conscience of the Council', as set out in the Constitution. On reflection, following written discussion with the current Chairman and Vice-Chairman, it was considered appropriate to remove this requirement for the Chairman because their role was closely defined to enable them to be fair to all.

The consultations undertaken and discussion within the Group highlighted concerns about the prominence and respect shown to the Chairman when they attended events, some of which had been Warwick District Council (WDC) events. The Group therefore welcomed the work by officers to update the protocol for the Chairman attending events and guidance for officers and outside organisations who invited the Chairman to events, on who should be invited to WDC events, as set out at Appendix 7 to the report.

The Group recognised that, at present, the Chairman of the Council had discretion to attend whichever events they wanted during their year of office, because the Council had never provided direction for them. This caused concern for the Group because some events appeared to be attended out of tradition without consideration of the benefit for Warwick District, the promotion of the District or the relevance of the event to Warwick District. Examples of these included Mayor making at Town Councils outside Warwick District and attending fundraising events for Mayors outside Warwick District.

The Group was also mindful that the Chairman attended a number of fundraising events for other Civic Heads' charities. The justification for which appeared to be that if they did not attend their events, "they would not attend mine". The Group had significant concerns that Warwick District tax payers were essentially giving money to civic heads' charities, some of which were outside the District. The Group considered this to be an inappropriate use of Council Tax payers' money.

The Group also considered fundraising by the Chairman of the District Council. While any fundraising event had to be self-funding i.e. the money raised would pay for the costs of the event, it was recognised that there was a proportion of staff and Council time put into this which was not charged back to the event. The Group also considered this work in relation to the main role of the Chairman to promote Warwick District and to what extent a proportion of the attendees at these events were Civic dignitaries from other authorities. The Group felt that on balance, it was not

appropriate for the Chairman to be fundraising for charities. It recognised that there would still be donations made to the Council, for example the donation from the crematorium recycling, that a decision had to be made on. Therefore, it would be appropriate for the Chairman to name a preferred charity should any donations be forthcoming during the year of office.

The Group also reflected on the title of 'Chairman' as defined within the Local Government Act 1972. Although this involved a minor proposal for amending the Constitution, it felt it was important that the Chairman should be given the opportunity to be called Chairperson or Chairwoman (as alternatives to Chairman or Chair already defined in the Constitution) if they so wished, and the Constitution should be amended to reflect that.

The Group also felt that explicit reference to the appointment of the Chaplain should be made within the Constitution and this should be made at the discretion of the Chairman.

The Group considered the current allowance paid to the Chairman each year. In total, the allowance was £17,700 of which £4,240 and £1,860 were paid directly to the Chairman and Vice-Chairman respectively, with the remainder being held by officers to pay for the Chairman to attend events or host (no fundraising) events. The amounts paid directly to the Chairman and Vice-Chairman were in recognition of the role they would undertake and to cover the cost of items such as new clothing, collections, raffle ticket purchase, etc. The overall allowance of £17,700 was made under Local Government Act 1972 where the Council might pay the chairman and Vice-Chairman for the purpose of enabling them to meet the expenses of office.

The Group had not established if the past Chairmen and Vice-Chairmen of the Council had found the money paid directly to them to be sufficient, but it was aware that no Chairman had ever requested further funding from the balance during their year in office. The Group had established that, as reported to Council previously, there was always a residual amount left over from the remainder of the allowance managed by officers. This had varied in level, but the lowest was £1,500. Having considered this, it would be a reasonable proposal to look to reduce the budget, with a further review in twelve months to look at the impact of the wider recommendations in the report, if approved.

The Group noted the importance of the Chairman having a space available to meet with guests if required, and also noted the minimal use the current Chairman's office had. It was recognised that this was partly because the majority of Council officers were not based at the Town Hall and therefore the primary use of the office had become a room for the Chairman to prepare in prior to Council. The Group was mindful of the current proposals to relocate the Council's HQ and meetings to a new building. It noted that meeting space would be at a premium in the new HQ and that no officer would have a dedicated office. To have a dedicated room within the HQ for the Chairman to use for a maximum of two hours per week (when meeting with their PA), parading from and to Council

eight times a year and meeting with guests for, on average, four times a year for an afternoon, was not appropriate. It also recognised the need for the Chairman to have a space to undertake these functions and that the new HQ, if approved, would have significantly improved meeting spaces which they could use.

The Group noted that over the last 45 years, the Chairman of the Council had received many gifts or awards on behalf of the Council. A proportion of these were located within the Chairman's office and it welcomed that this would be reviewed by officers with the Chairman with a view to making these more visible to the public.

The final area the Group looked at was the Annual Council meeting. At present, 364 people were invited, through 'plus one' invites, which included all District Councillors. A summary of those invited was given in Section 3.17 in the report.

Despite the significant number invited, only 57 non WDC Councillors (or their partners) attended the event in 2018, with a slightly greater number in 2017 and 2016.

The Group were also aware that Annual Council cost in the region of £3,100 each year and that other local authorities had less formal ceremonies. Therefore, it felt that the change in elected Members of the Council in May 2019 presented an opportunity to review the approach used for the annual meeting including, but not specifically:

- the current past Chairman & Consort badges, due to the cost at over £500 each;
- the need for a drinks reception after the meeting for all guests;
- those who were invited (considering if they were appropriate and the relationship they had with the District Council);
- the need for a formal ceremony with photos (could the photos be undertaken afterwards rather than during the event which would reduce the length of the meeting); and
- consideration of the need to appoint the Chairman of Committees the same evening to ensure that required delegated authorities were in place as soon as possible.

Although the Group had made no direct recommendations with regard to support for the Chairman, throughout the review, past Chairmen all had unequivocal gratitude for the support they received from the Chairman's PA. They also noted the views of past Chairmen and Councillors that there was a need for a dedicated civic car and driver. It agreed that with the recommendations as set out, there was not a need for this level of support to be reviewed, however, variation away from this may then require a further review of the resources with a view to either a reduction or increase based on the decisions.

In terms of alternatives, an option would be not to agree with the proposals put forward by the Task & Finish Group, but this could look to undermine the work of the Group which was appointed by Overview & Scrutiny Committee to scrutinise the role. Members could also choose to

vary the proposals put forward, or to ask the Group to undertake further investigations.

Councillor Boad suggested that a further review should look at the Annual Council meeting, which represented a significant cost for the Council. In response, Councillor Day advised Members that recommendation 2.6 in the report asked the Chairman to conduct a full review of the purpose and arrangements of Annual Council.

It was proposed by Councillor Grainger and seconded by Councillor Cooke that an amendment should be made at Section 6, page 11 in the report, to remove the rest of the paragraph after the word "appropriate".

**Recommended** to Council that the proposed revisions to Article 5 of the Constitution as set out at Appendix 3 to the report, be made, subject to an amendment to Appendix 3, Section 6, on page 11 in the report, to read "to host or attend events or functions they determine appropriate.", and remove the rest of the paragraph after the word "appropriate".

**Resolved** that

- (1) the current budget for supporting the Chairman is appropriate, but that in light of the underspend on their allowance over each of the last four years, this should be reduced by £1,500 per annum as part of the 2020/21 budget, be accepted;
- (2) in the event of relocation to a new HQ, a room is not dedicated solely for the chairman's use, but a suitable room be made available to the chairman for use when inviting guests or meeting with staff, be agreed;
- (3) the updated guidance/protocol for leading on events as set out at Appendix 7 to report, be welcome;
- (4) the review of the current civic gifts with the Chairman's office be undertaken with a view as to how these can be made more publically accessible or if appropriate disposed of;
- (5) the Chairman be asked to undertake a review of the purpose and arrangements for Annual Council, including who is invited and they report on this to Council by no later than November 2019;

- (6) a report will be brought to Scrutiny in July 2020, by officers in liaison with the Chairman of the Council and Chairman of the Overview & Scrutiny Committee, that reviews the impact of these recommendations, if they are agreed by Council, be noted; and
- (7) in addition to 5 and 6 above, the report shall include details of the events, including fundraising events, that the Chairman had attended and the cost of attending those events.

(The Portfolio Holder for this item was Councillor Day)

(The meeting ended at 7.03pm)

CHAIRMAN  
21 August 2019

## **ARTICLE 5 - CHAIRING THE COUNCIL**

### **LOCAL GOVERNMENT ACT 1972 - SECTIONS 3-7**

### **LOCAL GOVERNMENT ACT 2000 - SECTION 37 - CONSTITUTIONS**

### **DIRECTION**

### **PARAGRAPH 3(G)**

#### **5.01 Role and function of the Chairman**

The Chairman of the Council and in their absence, the Vice-Chairman will have both a ceremonial role and that of chairing Council meetings.

The Chairman will be elected by the Council annually. The Chairman will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. 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 Executive to account;
4. to promote public involvement in the Council's *activities and to celebrate the activities and achievements of the Council including its officers and councillors;*
5. *to support the Town and Parish Councils in their work by either visiting their meetings, inviting them to events or through other appropriate actions*
6. *to host or attend events or functions they determine appropriate;*
7. The Chairman may on occasions delegate *attending* functions to their Vice Chairman, or in exceptional circumstances, another Councillor (*normally the previous Chairman*);
8. Cannot be a member of the Executive or Standards Committee; and
9. Can decide to be called Chair, *Chairwoman, Chairperson, or Chairman* during their year in office.
10. *The Chairman may optionally select a chaplain but this should not be seen as requirement of the role.*
11. *Determine one or two charities, associated with the District, to advocate during their year in office, but not hold any specific events to fund raise for them.*