

Section 2

Articles of the Constitution

Article 1 – The Constitution

The Council will exercise all its powers and duties in accordance with the law and this Constitution. Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes as stated in the Corporate Plan. The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 – Members of the Council

1. Composition

The Council comprises 33 members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

2. Eligibility

Only registered voters of the District, or those living or working there, will be eligible to hold the office of Councillor.

Election and Terms

The ordinary election of all Councillors is held on the first Thursday in May in each year, commencing in May 2019. The terms of office of Councillors is four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later. (Exception: by-elections where it is the remainder of the term).

Key Roles

All Councillors will:

1. Collectively be the ultimate policy-makers and to carry out the good governance of Wyre Forest District Council and to influence and determine the development and review of the Council's policies, strategies, budget and service delivery.
2. Represent the interests of the ward for which they are elected and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities; If a Members acts on a matter outside their ward, they should always copy in the relevant ward



councillors. Members should not appear in the press claiming to be dealing with ward matters outside their own ward.

3. Deal with individual casework and act as advocates for constituents in seeking to resolve particular concerns or grievances.
4. Be available to represent the Council on other bodies.

Rights and Duties

1. Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
2. Councillors will not make public, information which is confidential or exempt, or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it. For these purposes 'confidential' and 'exempt' information are defined in the Access to Information Rules in Section 8 of this constitution, and if necessary, seek guidance from the Monitoring Officer.

Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Section 16 of this Constitution.

Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Section 17 of this Constitution.

Article 3 – Citizens and the Council

Citizens have the following rights. (Their rights to information and to participate are explained in more detail in the Access to Information Rules in Section 8 of this Constitution).

1. Voting and Petitions

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

2. Information.

Citizens have the right to:



1. Attend meetings of the Council, the Cabinet and Committees, except where a meeting is held in private because confidential or exempt information is likely to be disclosed.
2. Find out from the Forward Plan what key decisions will be taken by the Cabinet and when.
3. See reports and background papers, and any records of decisions made by the Council, the Cabinet and Committees unless they are “exempt” items.
4. Inspect the Council’s accounts and make their views known to the external auditor within the timescale allowed.

3. Participation

Citizens have the right to attend and contribute to investigations by the Overview and Scrutiny Committee. (See Section 5 Terms of Reference Overview and Scrutiny Committee) They also have the right to attend Cabinet and Council meetings under the public participation scheme. (See Section 7 paragraph 3.13).

4. Complaints

Citizens have the right to complain to:

1. The Council itself under its complaints scheme.
2. The Ombudsman after using the Council’s own complaints scheme.
3. The Monitoring Officer about a breach of the Councillor’s Code of Conduct.

Citizens’ Responsibilities

Citizens must not be violent, abusive and/or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers. The Council expects everyone to behave in an appropriate manner and treat everyone with courtesy and respect at all times.

Article 4 – The Full Council

Role

Under the decision making structure the Council remains sovereign and will provide the focus for decisions on major items of policy and budget and many other issues identified in the Council’s Constitution.



Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

What Does the Council Do?

Only the Council will exercise the following functions:

1. Approving the appointment of the Chairmen and Vice-Chairmen.
2. Adopting and changing the Constitution.
3. Approving or adopting the policy framework.
4. Approving or adopting the budget.
5. Subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 4 of this Constitution, making decisions about any matter on the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
6. Appointing the Leader.
7. Agreeing and/or amending the terms of reference for Committees, and deciding on their composition and making appointments to them.
8. Agreeing the political proportionality of Committees.
9. Appointing representatives to outside bodies at Annual Council, unless the appointment is a Cabinet function, or has been delegated by the Council, or the vacancy arises during the municipal year.
10. Appointing Honorary Aldermen.
11. Adopting an allowances scheme; (See Section 17 of the constitution).
12. Changing the name of the area.
13. Confirming the appointment of the Head of Paid Service.
14. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.



15. All local choice functions set out in Section 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet.
16. All other matters which, by law, must be reserved to Council.

Council Meetings

There are three types of Council meeting which will be conducted in accordance with the Council Procedure Rules in Section 7 of this Constitution:

1. The Annual meeting.
2. Ordinary meetings.
3. Extraordinary (Special) meetings.

Responsibility for Functions

Section 3 of this Constitution sets out the responsibilities for the Council's functions.

Article 5 – Role of and Function of the Chairman and Vice-Chairman

The Chairman of Council and in his/her absence, the Vice-Chairman will have the following roles and functions:

1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution where 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 Cabinet Members or Committee Chairmen are able to hold Cabinet Members to account.
4. To promote public involvement in the Council's activities.
5. To be the conscience of the Council.
6. To attend such civic and ceremonial functions as the Council and he/she determines appropriate.



7. The Council has agreed to the principle of the office of Chairman and Vice-Chairman being conducted along the lines of “speaker”. The protocol is set out in the Appendix to these Articles.

Article 6 – Overview and Scrutiny Committee

The Council has appointed the Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 and regulations under section 32 of the Local Government Act 2000.

Proceedings of Scrutiny Committees

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Section 10 of this Constitution.

General Role

Within its terms of reference, the Overview and Scrutiny Committee may:

1. Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions.
2. Make reports and/or recommendations to the full Council and/or the Cabinet and/or any policy, joint or area committee in connection with the discharge of any functions.
3. Consider any matter affecting the area or its inhabitants.
4. Exercise the right to call-in, for reconsideration, decisions made but not yet implemented.

Specific Functions

Policy Development and Review

The Overview and Scrutiny Committee may:

1. Assist the Council and the Cabinet in the development of the Council’s budget and policy framework by in-depth analysis of relevant issues.
2. Conduct research, and consult with the community in the analysis of policy issues and possible options.
3. Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.



4. Question members of the Cabinet and/or Committees and Chief Officers about their views on issues and proposals affecting the area.
5. Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
6. Review and scrutinise the decisions made by and performance of the Cabinet, individual Cabinet members and/or Committees and Council officers; both in relation to individual decisions and over time.
7. Review and scrutinise the performance of the Council in relation to its priorities, themes, policy objectives, performance targets and/or particular service areas.

Article 7 – The Cabinet

Role

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

Leader

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:

1. The day when the Council holds its first annual meeting after the Leader's normal day of retirement as a Councillor; or
2. he/she resigns from office; or
3. he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
4. he/she ceases to be a Councillor before the normal date of retirement as a councillor including as a result of statutory provisions; or
5. he/she is removed from office by resolution of the Council.

Procedures if the Leader Ceases to Hold Office for Various Reasons

If the Leader ceases to hold office as mentioned in paragraphs (2), (3) or (4) above, the functions of the Leader (other than appointment and dismissal of Cabinet members and decisions on allocation of executive functions) shall be discharged by the Deputy leader until the election of a new Leader. In these



circumstances, if an ordinary meeting of the Council is not scheduled to take place within the following 21 days, an extraordinary meeting of the Council shall be held within 21 days in order to elect a new Leader.

Procedures following Resolution of the Council to Remove the Leader from Office

If the Council resolves to remove the Leader from office and unless a new Leader is elected at the same meeting, the following procedures will be followed:

- An extraordinary meeting of the Council shall be held within 10 days to elect a new Leader.
- Until the election of a new Leader, the executive functions of the Cabinet shall be discharged by the Head of Paid Services in consultation with Group Leaders.

Appointment of Cabinet

The Cabinet will consist of no fewer than three and no more than ten Members (inclusive of the Leader of the Council). Appointments to the Cabinet will be made by the Leader of the Council.

The precise number of Cabinet members, allocation of portfolios and term of office are for decision by the Leader and shall be set out in writing, except that the term of office may not extend beyond the third day after the Leader's normal day of retirement as a Councillor. The Leader shall designate one of the Cabinet Members as Deputy Leader.

Other Cabinet Members

Other Cabinet members shall hold office until:

1. the expiry date of a fixed term specified by the leader when appointing them; or
2. they resign from office; or
3. they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
4. they are no longer Councillors; or
5. they are removed from office by the Leader, such a decision to be set out in writing and to have immediate effect; or



6. the day on which the Leader is removed from office by resolution of the Council.

Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Procedure Rules set out in Section 7 of this Constitution.

Responsibility for Functions

The Leader of the Council:

- (a) may discharge any executive function, or
- (b) may arrange for the discharge of any executive function:
 - (i) by the Cabinet,
 - (ii) by another member of the Cabinet,
 - (iii) by a committee of the Cabinet,
 - (iv) by a joint committee, or
 - (v) by an officer of the authority.

The Monitoring Officer will maintain a list in Sections 3 and 4 of this Constitution setting out decisions about delegation of particular executive functions to a member of the Cabinet, a Committee of the Cabinet, joint committees or an officer of the authority.

Article 8 – Regulatory and Other Committees

The Council will appoint Committees for the regulatory and other functions detailed in Section 3 of this Constitution.

Article 9– The Ethics and Standards Committee

The Council has established an Ethics and Standards Committee.

Roles of Ethics and Standards Committee

- Appraisal and adoption of relevant codes, plans and policies
- Overview of the whistle blowing policy;
- Overview of complaints handling and Ombudsman investigations,
- Keeping the operation of the constitution under review so far as it refers to ethics and standards of behaviour.
- Determining alleged breaches of the code of conduct for District, Parish and Town Council Members.



Article 10 – Area Committees and Forums – not used

Article 11 – Joint Arrangements

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

1. Enter into arrangements or agreements with any person or body.
2. Co-operate with, or facilitate or co-ordinate the activities of, any person or body.
3. Exercise on behalf of that person or body any functions of that person or body.

Arrangements to Promote Well Being

Joint arrangements

1. The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not Cabinet functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.
2. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint Committees with these other local authorities.
3. Except as set out in (5) below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the Local Authority as a whole.
4. The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:
 - (a). The joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area.
 - (b). The joint committee is between a County Council and a single District Council and relates to functions of the Cabinet of the County Council. In such cases, the Cabinet of the County Council may appoint to the joint committee any Councillor who is



a member for an electoral division which is wholly or partly contained within the area.

In both of these cases the political balance requirements do not apply to such appointments.

Access to Information – Joint Arrangements

1. The Access to Information Rules in Section 8 of this Constitution apply.
2. If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
3. If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information Rules in Part 12A of the Local Government Act 1972 will apply.

Delegation To and From Other Local Authorities

1. The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
2. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
3. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

Contracting Out

The Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 - Officers

Management Structure

1. General

In addition to Chief Officers, the full Council may engage such employees (referred to as officers) as it considers necessary to carry out its functions.



2. Directors

The Council's Appointments and Appeals Committee will engage persons for posts at the grade of Director.

The full management structure is set out in Section 18 of this Constitution.

3. Statutory Functions

The following posts will have the functions described in Article 12.02–12.04 below.

Post	Designation
Chief Executive	Head of Paid Services
Solicitor to the Council	Monitoring Officer
Corporate Director: Resources	Section 151 Officer

4. Structure

The Head of Paid Service will determine and publicise a description of the overall structure of directorates of the Council showing the management structure and deployment of officers. This is set out in Section 18 of this Constitution.

Functions of the Head of Paid Service

1. Discharge of Functions by the Council.

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

2. Restrictions on Functions.

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

References: Sections 4 and 5, Local Government and Housing Act 1989

Functions of the Monitoring Officer

1. Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.



2. Ensuring Lawfulness and Fairness of Decision-Making

After consulting with the Head of Paid Service and Corporate Director: Resources, the Monitoring Officer will report to the full Council or to the Cabinet in relation to a Cabinet function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

3. Supporting the Ethics and Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethics and Standards Committee.

4. Conducting Investigations

The Monitoring Officer will conduct investigations into alleged breaches of the Code of Conduct and where appropriate make reports or recommendations in respect of them to the Ethics and Standards Committee.

5. Proper Officer for Access to Information

The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

6. Advising Whether Cabinet Decisions are Within the Budget and Policy Framework

The Monitoring Officer and Section 151 Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

7. Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

8. Restrictions on Posts

The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

Functions of the Chief Financial Officer

1. Ensuring Lawfulness and Financial Prudence of Decision Making



After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

2. Administration of Financial Affairs

The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

3. Contributing to Corporate Management

The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

4. Providing Advice

The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues – to all Councillors and the Cabinet and will support and advise Councillors and Officers in their respective roles.

5. Giving Financial Information

The Chief Financial Officer will provide financial information to the media, members of the public and the community.

Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Financial Officer

The Council will provide the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

Conduct

Officers will comply with the Employees' Code of Conduct and the Protocol on Officer/Member Relations set out in Section 16 of this Constitution.

Employment

The recruitment, selection and dismissal of officers will comply with the Employees Employment Procedure Rules set out in Section 13 of this Constitution.



Article 13 - Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Section 3 of this Constitution.

Council maintains and publishes a Forward Plan which details future key decisions. The definition of key decisions involves a two-stage test;

1. Any decision in relation to a Cabinet function which results in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates, is a key decision. The key decision threshold figure for this Council is £50,000. It will be for the potential decision-maker to decide, in any one case, whether a decision to be taken is likely to involve significant expenditure.
2. The second test for a key decision focuses on those decisions which are not likely to involve significant expenditure or savings but which nevertheless are likely to be significant in terms of their effect on communities in two or more wards or electoral divisions.

Alternatively, where there are very large electoral divisions or wards, in particular in rural areas, a Council may decide to regard as key a decision to close a village school or carry out road works in a village, notwithstanding any thresholds of financial significance which may have been adopted locally and that there is an impact in only one ward.

The Forward Plan can be viewed as a planning tool for managing the work programme of the Cabinet.

Decision Making by Council Bodies Acting as Tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 14 - Finance, Contracts and Legal Matters

Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Section 11 of this Constitution.



Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Section 12 of this Constitution.

Legal Proceedings

The Solicitor to the Council is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests.

Authentication of Documents

Where any document is necessary for any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Solicitor to the Council. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Solicitor to the Council, should be sealed. The affixing of the Common Seal will be attested by the Chairman of the Council and the Solicitor to the Council or some other person authorised by him/her.

Article 15 - Review and Revision of the Constitution

Duty to Monitor and Review the Constitution

The Solicitor to the Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution, adopted by the Council, and to make recommendations for ways it could be amended to achieve the purposes set out in Article 1.

In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;



3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Changes to the Constitution

1. Approval

Material changes to the constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer.

2. Change from a Leader and Cabinet Form of Cabinet to Alternative Arrangements

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 16 - Interpretation and Publication of the Constitution

Interpretation

The ruling of the Chairman of Council as to the construction or application of this Constitution, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

Publication

The Solicitor to the Council will ensure that copies of the Constitution are available for inspection at Council offices, the Worcestershire Hub and other appropriate locations and can be purchased by members of the local press and the public on payment of a reasonable fee.



Appendix

The Role of the Chairman and Vice Chairman of the Council as Speaker

The Council has agreed to the principle of the office of Chairman being conducted along the lines of “speaker”. The protocol is set out below and applies to both the Chairman and the Vice Chairman of the Council.

Ceremonial Role

The Chairman is the ceremonial head of the whole Council and its district-wide representative at civic and social occasions. The office is an important one created by statute confirming social precedence on the office holder in carrying out ceremonial and standing order duties of the office. The role is separate from that of the Leader of the Council, who is the political head of the Council and will speak for the Council on all aspects of policy and Cabinet business. To support the Chairman in the ceremonial obligations of the office, the law provides for the Chairman to be paid a specific allowance, as the Council thinks reasonable. The Chairman has considerable discretion in exercising the ceremonial aspects of the office.

Apolitical Role

It is important that the Chairman maintains an apolitical stance, especially when chairing Council meetings. At common law, the duties of the Chairman are “... to preserve order, to take care that the proceedings are conducted in a proper manner and that the sense of the meeting is properly ascertained with regard to any question that is properly before the meeting” Chitty J. (High Court 1894). Subsequent judgements have confirmed this approach and the requirement that the Chairman must act entirely neutrally, allowing different opinions to be fully and fairly presented and debated, subject to Standing Orders.

Chairman’s Announcements

Any Group Leader may approach the Chairman before a Council meeting to suggest items for the Chairman to use in making announcements to full Council. The Chairman has complete discretion as to which items he or she may think appropriate to announce.

Rules of Debate

The Chairman’s role in conducting meetings is to enforce rigorously the rules of debate as set out in Standing Orders. Whilst there may be occasions when it is appropriate for Standing Orders to be relaxed, experience demonstrates that this should be kept to an absolute minimum to ensure fairness to every political group.



Calling on Members to Speak in Debate

It is important that the Chairman demonstrates political neutrality in deciding on who, and in what order, Members should be allowed to contribute to a debate. This will be the case, especially, during contentious debates, when time may not allow all who wish to contribute.

Involvement of Leader, Cabinet Members and Chairman of the Overview and Scrutiny Committee in Debate

The Chairman needs to involve leading members in debates which relate to their functions before closing a particular debate, subject to the overriding rules of Standing Orders. A useful rule of thumb would be to allow the appropriate Cabinet Member or committee chairman to have the penultimate speech to ensure Council is fully advised on any item before a debate is formally concluded and a vote taken.

Casting Vote

The Chairman has a casting vote and it is essential that this is exercised in the event of a tie at a Council meeting. There is no convention that the Chairman should seek to vote to protect the status quo. The law requires that the Chairman has complete freedom of conscience in exercising his or her casting vote and it is important that that discretion is not seen to be fettered.

Chairman's Personal Views and Representational Role

It should not normally be part of the Chairman's role to comment on matters before the Council in a way which supports or opposes the issue before Council. On limited occasions this may be necessary, either because of the Chairman's duty to represent his or her constituents, or where personal views are strongly felt.

