
REVIEW OF THE CONSTITUTION – ELECTION OF CHAIRMAN REVIEW

To: **Constitutional Review Working Party – 17 December 2015**

By: **Monitoring Officer**

Classification: **Unrestricted**

Summary: **This report outlines possible changes to the Constitution regarding the election of Chairmen.**

For Decision

1.0 Introduction and Background

1.1 In response to a recent Council meeting where there was a lack of clarity regarding the election of Chairmen to Committees, this paper suggests a number of options to amend the Council Procedure Rules, in order to prevent the lack of clarity from occurring again in the future.

2.0 The Current Situation

2.1 At the last meeting of Council on 3 December, the Council elected a new Chairman and Vice-Chairman of the Governance and Audit Committee were elected. Whilst the vote was carried out correctly, some members felt that greater clarity within the Constitution would have helped Councillors understanding of the process.

2.2 Therefore Democratic Services have created two options regarding the election of Chairmen. These are outlined below. The current Council Procedure Rules relating to the election of Chairmen are shown at Annex 1 to the report.

2.3 Option 1

2.3.1 The first option would be to remain with the existing arrangements, with amendments. I.e. that a Member makes a proposal nominating a Chair, a Member seconds the proposal and then there is a vote. If the proposal is passed then that person is elected, if not then the Chairman will then ask for another proposal and the same process is followed until such time as a person is elected.

2.3.2 The main amendment to this would be to clarify within the constitution who would be entitled to propose a motion first. The current arrangements are silent on this point and so the constitution could be interpreted that the person who catches the Chairman's eye first would get the first opportunity to make a proposal; this as demonstrated at Council can cause confusion and so it would be desirable to come up with alternative arrangements.

2.3.3 There are two main ways that this could be achieved, either amending the Constitution so the Leader of the Council (or a representative from the ruling group if not at full Council) or the Leader of the largest group (or a representative from the largest group if not at full Council)

2.4 Option 2

- 2.4.1 The alternative option would be to amend the procedures to accept multiple nominations at the same time. This would mean that when a vote on electing a chairman is called; multiple nominations (provided they were correctly seconded) could be received by the Chairman. If there were two nominations then the Chairman would ask those present to vote for candidate A or candidate B, whoever receiving the most votes winning. If there were more than 2 nominations then the Chairman would conduct a vote where those present could vote for any the candidates; after the vote the candidate with the fewest votes would be eliminated and the vote run again with the remaining candidates until only two remain, then the Chairman would ask those present to vote for candidate A or candidate B, whoever receiving the most votes winning.

2.5 Option 3

- 2.5.1 Constitutional Review Working Party could opt to retain the existing arrangements with no amendments, however this is not recommended as the current arrangements could be interpreted as a race to be seen by the Chairman in order to get their proposal considered first. This would be an unsatisfactory solution as it could cause a lack of clarity as described earlier in the report.

3.0 Next Steps

- 3.1 The Constitutional Review Working Party can choose any of the three options outlined within the report. If the Working Party do recommend either option one or option two, then Democratic Services will then create amendments to the Council Procedure Rules to reflect the recommendations made and present them to the next meeting of the Standards Committee.

4.0 Corporate Implications

4.1 Financial and VAT

- 4.1.1 There are no financial implications to the report.

4.2 Legal

- 4.2.1 Under section 37 of the Localism Act 2011, the Council must prepare and keep up to date a constitution, which contains:

- (a) such information as the Secretary of State may direct,
- (b) a copy of the authority's standing orders for the time being,
- (c) a copy of the authority's code of conduct for the time being under section 51, and
- (d) such other information (if any) as the authority consider appropriate.

- 4.2.2 The Council's Constitution says that 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 in order to better achieve its purpose.

4.3 Corporate

- 4.3.1 Reviewing the Council's Constitution is a key strand of the Council's Improvement Plan.

4.4 Equity and Equalities

4.4.1 There are no equity or equalities issues arising from the report.

5.0 Recommendation(s)

5.1 The Constitutional Review Working Party can either recommend option one or two to the Standards Committee, or choose option three and no further action will be taken.

6.0 Decision Making Process

6.1 Any recommendation of the Constitutional Review Working Party will be referred to the Standards Committee which, in turn, will make recommendations to Council for final adoption.

Future Meeting if applicable: Standards Committee	Date: 21 January 2015
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Annex List

Annex 1	Current Council procedure rules covering election of Chairman
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	N/A
Legal	Tim Howes, Head of Legal and Democratic Services and Monitoring Officer