
INTRODUCTION OF THE ROLE OF PRESIDING MEMBER

REPORT OF THE COUNTY CLERK & MONITORING OFFICER

AGENDA ITEM 9

Reason for the Report

1. To provide the Committee with an update in relation to legal issues surrounding the separation of the roles traditionally associated with the Right Honourable the Lord Mayor of Cardiff (**Lord Mayor**).

Background

2. Members of the Committee will be aware of Council's decision to pursue the separation of the functions traditionally associated with the Lord Mayor. The intent of that decision was to enable a structure by which:
 - a. the recognised governance and administrative functions of the position would be retained by a "Chair of the Council"; and
 - b. the ceremonial and civic functions would become a stand alone role to be undertaken by the Lord Mayor.
3. Members will recall that there were legal hurdles relating to the Letters Patent that created the title "The Right Honourable the Lord Mayor of Cardiff" that prevented this structure from being adopted immediately. Members will be aware that officers have been investigating the possibility of obtaining new Letters Patent in relation to the use of the title to enable the separation.
4. Members may also be aware that the Council has also provided a supportive response to Welsh Government's formal consultation on proposals to amend the Local Government Act 1972 as it relates to the position of Chair of Council and the creation of a position of "Presiding Officer".

Local Government (Democracy) (Wales) Act 2013

5. A provision enabling the separation of the roles has been included in the Local Government (Democracy) (Wales) Act 2013. The provision takes effect by amending the provisions of the Local Government Act 1972 as it relates to the position of Chair of Council. The new Act received Royal Assent on 30 July 2013 and the relevant provision will come into force on 30 September.
6. Once in force, this new statutory framework will allow for the election by Council of a "Presiding Member" in addition to the Chair of Council. If Council chooses to appoint a Presiding Member, the legislation provides for Council to grant the Presiding Member any of the functions of the Chair of Council.
7. Therefore the administrative functions of the Chair of Council could be transferred to the Presiding Member. This would leave the Chair of Council free to concentrate on the ceremonial/civic type functions and to adopt the "Right Honourable the Lord Mayor of Cardiff" title (as is the Chair of Council's right).

LEGAL IMPLICATIONS

8. There are no legal implications other than as set out in the body of this report.

FINANCIAL IMPLICATIONS

9. There are no financial implications arising from this report. However, the financial implications of any action taken as a result of these amendments needs to be considered.

RECOMMENDATIONS

The Committee is recommended to:

1. note the amendments made to the Local Government Act 1972 by the Local Government (Democracy) (Wales) Act 2013 as set out in this report.

MARIE ROSENTHAL
County Clerk and Monitoring Officer
11 September 2013