

CONSTITUTION COMMITTEE:

19 MARCH 2014

INTRODUCTION OF THE ROLE OF PRESIDING MEMBER

REPORT OF THE MONITORING OFFICER

AGENDA ITEM: 4

Reason for the Report

1. This report provides an introduction to the newly created role of “Presiding Member” and how it relates to the role the Chair of Council and the title “The Right Honourable the Lord Mayor of Cardiff” (referred to as the “Lord Mayor” in this report).
2. The reports purpose is to enable the Committee to consider whether it wishes to propose to Council the adoption of this new role and structure.

Background

3. 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.
4. 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 investigated the possibility of obtaining new Letters Patent in relation to the use of the title to enable the separation.
5. Members will also be aware from previous reports brought to this Committee that the Council provided a supportive response to Welsh Government’s 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 Member”.

Local Government (Democracy) (Wales) Act 2013

6. 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 came into force on 30 September 2013.
7. This new statutory framework allows for Council to determine that it should have a Presiding Member. If it is so determined, then the Presiding Member is elected by Council in addition to the Chair of Council. If Council appoints a Presiding Member, it must also elect a Deputy Presiding Member. Neither the Presiding Member nor the Deputy Presiding Member may be a member of the Executive.
8. The legislation provides for Council to grant the Presiding Member any of the functions of the Chair of Council.
9. It is envisaged that should a Council choose to adopt this structure, the administrative functions of the Chair of Council (such as chairing Council meetings) would be transferred to the Presiding Member. This would leave the Chair of Council free to concentrate on the ceremonial/civic type functions and, in the case of Cardiff, to adopt the “Right Honourable the Lord Mayor of Cardiff” title (as is the Chair of Council’s right).

Allowances – Report of the Independent Remuneration Panel for Wales

10. The Independent Remuneration Panel for Wales (IRP) has recently issued guidance in relation to allowances available under the newly created structure in its 2014 Annual Report.
11. The report proposes that:
 - a. Where appointed, a Presiding Member will be paid as a Band 3 (ie committee chair level) position, attracting a senior salary of £22,000. This post will count towards the maximum cap of senior salaries (19 for Cardiff).
 - b. The post of Deputy Presiding Member will not be remunerated above the basic allowance.
 - c. In addition, there will remain the possibility of “civic salaries” that are not part of the maximum cap on the number of senior salaries.

- There will be three levels available for the Lord Mayor (depending on the level of responsibility assigned to the role) ranging from £19-24k (inclusive of the basic allowance).
- There will be three levels available for the Deputy Lord Mayor (depending on the level of responsibility assigned to the role) ranging from £14-18k (inclusive of the basic allowance).

LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

13. Any decision to propose the creation of the role of Presiding Member (and / or) Deputy Presiding Member may have financial cost implications. These cost implications need to be reflected in any subsequent report to Council.

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; and
2. consider whether the Committee wishes to propose to Council that Council creates the role of a Presiding Member (and Deputy Presiding Member), and if so, which duties of the Chair of Council should be assigned to the Presiding Member
3. if the Committee determines to propose to Council that the role of Presiding Member (and Deputy) should be created, to give views on what salary level should be allocated to the Lord Mayor and Deputy Lord Mayor (see 11(c) above); and
4. if the Committee determines to propose to Council that the role of Presiding Member (and Deputy) should be created, to delegate authority to the County Clerk and Monitoring Officer, in consultation with the Chair of the Committee, to bring to Council a report proposing:
 - a. the creation of the roles; and
 - b. the functions of the Chair of Council that should be allocated to the Presiding Member.

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13 March 2014