

CONSTITUTION COMMITTEE:

17 September 2014

THE ROLE OF PRESIDING MEMBER

REPORT OF THE MONITORING OFFICER

AGENDA ITEM 5

Reason for the Report

1. At its meeting on the 19 March 2014 the Committee requested a further report in response to the new legislation creating the new 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).

Background

2. Members of the Committee will be aware of the Council’s previous decision in 2012 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 investigated the possibility of obtaining new Letters Patent in relation to the use of the title to enable the separation.
4. 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

5. A provision enabling the separation of the roles was 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.
6. 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 normally at the annual meeting 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.
7. The legislation provides for Council to grant the Presiding Member any of the functions of the Chair of Council.
8. It is envisaged that should a Council choose to adopt this structure, only the administrative functions of the Chair of Council as set out in Article 5 of the Constitution involved with chairing Council meetings and upholding and promoting the purposes of the Constitution would be transferred to the Presiding Member. The Presiding Member’s only function would be to preside over meetings of the council and ensure council meetings were conducted in line with the Council’s Constitution.
9. This would leave the Chair of Council free to act as now as the ceremonial head of the Council and to represent the Council at all civic and ceremonial functions and to adopt the “Right Honourable the Lord Mayor of Cardiff” title.

LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

11. The Independent Remuneration Panel for Wales (IRP) has agreed that where appointed, a Presiding Member will be paid as a Band 3 (i.e. committee chair level) position, attracting a senior salary of £22,000. If established this post will count towards the maximum cap of senior salaries (19 for Cardiff). The post of Deputy Presiding Member will not be remunerated above the basic allowance.

RECOMMENDATIONS

The Committee is recommended to note the legislative position and consider whether the Committee wishes to commission any further work in relation to this matter .

MARIE ROSENTHAL
County Clerk and Monitoring Officer
10 September 2014