

Report to Constitution and Members Services Standing Scrutiny Panel

Date of meeting: 4 December 2008

Subject: Civic Ceremonial Function – Review 2008

Officer contact for further information: Simon Hill (Ext 4249)

Committee Secretary: M Jenkins (Ext 4607)



Recommendations:

(1) To receive evidence from and consider the views expressed by past/present Chairmen on the following areas:

- (i) the appointments process at Annual Council;**
- (ii) proposals for improvements to the diary and events,**
- (iii) the role and status of the Chairman;**

and to consider whether to implement any or all of their suggestions;

(2) To consider whether:

- (i) any changes are required to the process of automatically electing the Chairman;**
- (ii) the inclusion of the responsibility for Promoting Democracy should be placed with the Chairman of Council; and**
- (iii) the Remuneration Panel should be requested to take account of the results of this review in respect of the of the Member Accountability Statements for the Chairman & Vice Chairman of the Council and the Leader; and**

(3) That the Overview and Scrutiny Committee and Council be recommended to adopt a revised Constitution Article 5, incorporating changes suggested by the review and that the existing protocols on the role of the Chairman and Vice Chairman and on the Election of the Vice Chairman of the Council be incorporated in Article 5 and deleted as separate documents.

Report:

1. (Senior Democratic Services Officer) At the last meeting members agreed a scoping report on a Civic & Ceremonial Review for 2008. This report brings forward a number of issues for consideration following an officer review and also takes account of views from past Chairmen of Council and practice in other local authorities. Officers have also looked at the references to the role of the Chairman contained within the Council's Constitution.

2. The Scope of the review was agreed at the meeting of the Panel on 8 September 2008 as follows:

Scope

The role of the Chairman of Council

- A response to the report of the Councillor's Commission
- A review of the Council's Protocol and the Status of the Chairman
- A review of the member accountability statements contained within the constitution.
- How could the Chairman be better promoted?

Annual Council

- Civic and Business aspects of the Annual Council
- Changes in 2009

The Annual Civic Events

- A review of their: timing, type, relevance and affordability
- What other authorities do.

Issues from other reviews

- An update on the last review
- Issues from Audit reports: Gifts and Hospitality, Account Handling, Bank Account Processes

Constitutional Elements - The Role of the Chairman & Vice Chairman of the Council

3. Contained within the Council's Constitution are four main documents relating to the Chairman/Vice Chairman:

- (a) Article 5 (pages B10 to B12) covers the Chairing of the Council;
- (b) Protocol on the Role of the Chairman and Vice Chairman (pages S5 to S7) which covers much of the same ground as Article 5;
- (c) Protocol for the Election of the Vice Chairman of the Council (page S4 as recently amended);
- (d) Member Accountability Statements (pages W3 (Chairman) , W4 (Vice Chairman), W5 (Leader) which were intended to be the equivalent of a "job description" for Councillors holding certain positions and devised in 2001 but not reviewed since.

A review of the Council's Protocol and the Status of the Chairman

4. Past Chairmen have been invited to the meeting to discuss their views on their year as Chairman and they have been sent a questionnaire was also sent to the most recent Chairmen. Their responses are attached at Annex 2. The questions posed sought views on the broad areas for review and the replies are summarised below with a commentary from officers.

Section 1 – Vice Chairman

5. Two of the respondents did not have the opportunity to be Vice Chairman prior to becoming Chairman. However, those who had been Vice Chairman felt that this gave them invaluable experience and had been an opportunity to prepare for their Chairmanship. They felt that organisations had readily accepted that the Vice Chairman would attend events if the Chairman could not and that this gave an opportunity to meet some of the other Chairmen.

6. The notion of shadowing the Chairman in the Vice Chairman year seems to have worked well but is reliant on the availability of the Vice Chairman to attend the regular Chairman/Chairman's Secretary meetings, thereby keeping up to date with forthcoming events and the planning for them.

Commentary

7. One question has been raised about how the Chairman would be elected if the Vice Chairman were unable to become the Chairman. An example could be if a member who was not re-elected. Paragraph 5.02 of the proposed Article 5 (attached at Annex 1) would need to be amended if members feel that the Constitution should cover this point. This situation has arisen and the Council has suspended the relevant protocol and dealt with the chairmanship on an ad hoc basis without difficulty. To suspend the Protocol requires a 65% majority in Council.

Section 2 – Annual Council Meeting

8. None of the respondents thought that there should be a separate event to elect the Chairman and appoint a Vice Chairman and that other Councillors would not support this idea. There is a view, however, that the appointments to Committees etc at the Annual Meeting should be dealt with by Group Leaders beforehand or in a separate setting. Other ideas include a 'Meet the Chairman' event each year, inviting outside bodies and local councils.

Commentary

9. Elsewhere on this agenda the Panel will have noted a report that describes the new legal requirements for appointments. These changes will should the appointments process less onerous to chair as the number of bodies to which appointments will be made by the Council (rather than the Leader) will reduce. In addition, no District elections are programmed for 2009. In the past the equivalent year has usually had a simpler Annual Council.

10. The Panel may wish to consider whether any further changes could be made to the Annual Meeting. Evidence from the past Chairmen indicates that there is not support for alternative or additional meetings but a desire to deal with appointments before the Council meeting so that the process is simplified. The Panel are asked to express its view on the Annual Meeting.

Section 3 – Diary and Events

11. Attendance at events in any year is dependant on invitations received. All Chairmen enjoyed their year in office and the opportunity to meet different people and organisations. Support was also evident from previous Chairmen. Chairmen were complimentary about officer support they received.

12. Following Councillor Sandler's year improvements were made to the 'green' information form that is used to clarify the processing of events in which the chairman's involvement is sought. This seems to be operating well.

13. The Chairmen have made the following suggestions for improvements/changes:

- A two year appointment for chairman and vice chairman of the Council (see below).
- Being more proactive in promoting the Council to groups including young people.
- Encouraging invitations from Schools, Hospitals, Services and Care Homes.
- Chairman should be the "extended arm" of the Council and used far more to promote the Council.
- The Council could consider twinning with a European area to raise the profile of the civic role.
- Regular meetings with press officers.

- Interviews with new Chairman and Vice Chairman with the press.
- Promotion via the website with more items/photographs on events and a home page link – Chairman must get as much publicity as possible.

14. The Chairmen have made the following comments about the Council's understanding of the role of Chairman:

- This could be enhanced by having monthly meetings with the Leader.
- Other Chairmen of Council have far more support for Charitable Fundraising and have a far larger budget.
- The role of the chairman does not always seem to be understood and could be given more prominence in the induction training sessions for members and officers.

Commentary

15. Two-year appointments are made by Essex County Council. In Section 4 below the extension of the role of the Chairman is more fully discussed. Having a more formal arrangement between the Chairman and the Leader/Press has merit and the Leader is happy to formalise this arrangement.

16. The idea of discussing the role of the Chairman and the differences from the role of the Leader could be included in both member and officer induction. Another idea would be to develop an 'easy guide' for the public designed to explain the Chairman's role. Such a guide could also assist those acting as event organisers.

Section 4 – Status of Chairman

17. Respondents have indicated that there was sometimes confusion about the respective roles of the Chairman and Leader (and/or Mayor) which often needed to be carefully explained to the residents. There were also indications that there were some tensions when undertaking duties within the district when Town Mayor or Chairman were present.

18. Two past Chairmen made reference to the use of a Civic Car. One advocating a car for all events, another suggesting that without a car they had to 'park round the back' at functions.

19. Past Chairmen have suggested maybe having a "wearable badge" to functions when the Chain of Office was not appropriate.

Commentary

20. The Government has recently published its white paper response to the report of the Councillor's Commission. This response signals the intention of the Government to place a statutory duty on Local Authorities to promote democracy. This is in addition to their expectation of increased electoral participation. The Government are advocating promotion of local democracy through programmes such as 'Civic Champions' or 'Democracy Advocates'.

21. Government ideas include:

- Working with local schools, including initiating visits to explain their role and to support active citizenship education;
- Making a positive presentation to local volunteer groups or boards about governance roles and how to apply;
- Promoting the role of the council and councillor to community and voluntary groups; and
- Developing links with town and parish councils and supporting democracy activities.

22. It is suggested that the Chairman, as the Civic Head of the Authority, is in a unique position to undertake this role as they already have the overall responsibility for promoting public involvement in the Council's work. This would also have the effect of differentiating the Leader's role in political leadership/management of the Council from that of the Civic Head. The suggestion seems to fit well with Past Chairman's comments about being involved in schools and group's.

23. Officers have suggested wording in the revised Article 5 at paragraph 5.03 (d) to cover this aspect. The role should also be reflected in the Member Accountability Statements. This aspect falls within the remit of the Remuneration Panel. The latter is already under an instruction from the Council to look again at these statements and these ideas for developing the role of the Chairman could be taken into account at the same time.

24. A 'citizenship' programme could be looked at if members were minded to look at this issue further. We are aware (through involvement with the National Association of Civic Officers Group (NACO)) that there are some good practice examples across the country that could form the basis of such a scheme. However, any extensive programme would have resource implications for the chairman and officers and would require a detailed discussion with each Chairman to establish what is practically possible.

Section 5 - The Annual Civic Events

26. All Chairmen enjoyed their Civic Events giving them a chance to meet diverse groups of people; promoting the district; meeting people who have contributed their time to the community and having an input to the event.

27. All Chairmen felt that EFDC events were the best they had attended and were well organised. One area that was a common factor was a finding a venue for functions within the district which is large enough and suitable to accommodate them.

28. It was generally felt that no changes were required in the timing or type of events. Officers will continue to monitor the costs of events and will manage the current budget accordingly. No changes or budget increases are proposed.

29. Views were also expressed giving ideas for event types:

- Visits to places of interest (by the other Chairmen) as part of the Civic Lunch. This promotes their authority to other civic leaders.
- A Garden Party
- Civic Offices Open Day
- Forming links with local businesses
- Coffee mornings with representatives of local charities/ Youth Council Event.
- Inviting Town and Parish Clerks to an informal seminar about the civic role and etiquette.

29. Member's comments are sought on these ideas.

Section 6 – Chairman's Charity

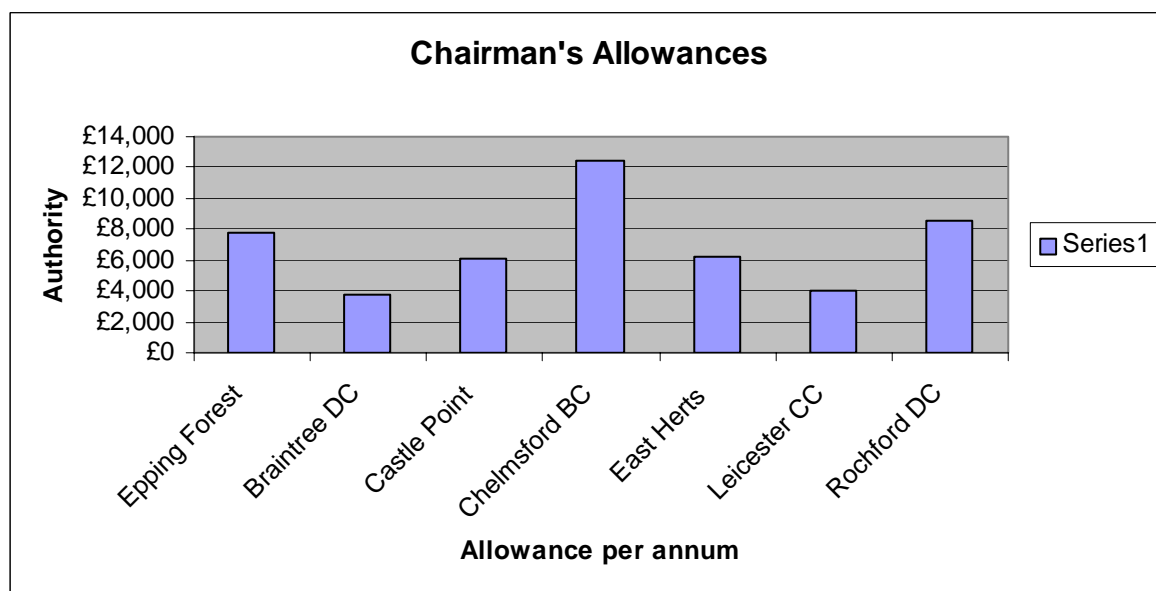
Commentary

30. Views expressed were mixed on the need for support for the Chairman's Charity although support from the officers is a common theme. Clearly, officers are spending time on charitable efforts although this is not their main function. The Chairman and the chosen charity have to provide the main thrust for any fundraising. Support to the Chairman from the charities themselves seems to have been variable. In Councillor Haigh's year, a meeting with the Charities was held in early part of the year at which the expectation of support from them was explained.

Questionnaires to other Local Authorities

31. Through NACO we have sought responses to a questionnaire from other Local Authorities. The combined results are at Annex 3

32. The chart below shows a comparison of allowances made to the Chairman/Mayor across a number of other authorities. Epping Forest's level of allowance seem to compare favourably with others.



33. Having assessed the information provided it is evident that in Epping Forest DC have more in common with Braintree DC and Rochford DC rather than the other Councils who returned the questionnaire.

34. The result of the questionnaire shows that most Councils plan a core number of events each year, which are organised by the civic officer and paid for through Council budgets. Golf Days appear to be the only event attracting sponsorship from local companies on a regular basis. Although each Civic Head supports a charity for their year in office there is a variety of ways that the charity is supported through the job description of the Civic Officer. The support varies between none and full involvement.

35. Interestingly, of the responding authorities, only one other stated that there was confusion between the roles of the Chairman and the Leader.

Revisions to Article 5 of the Constitution

36. The two Protocols largely reproduce the text contained within Article 5 of the Constitution. It is recommended that, as a tidying up exercise, the texts be brought together into one document in the main article. The suggested text is attached at Annex 1 to this report.

37. Members will need to decide whether changes suggested by officers, specifically those related to:

- (i) Process for the automatic appointment of the Vice Chairman; and
- (ii) Additions to the responsibilities of the Chairman;

should be adopted. The adoption of the changes would be a matter for full Council.

Issues from other reviews - An update on the last review

36. In December 2006 a review was undertaken into a number of aspects of the Civic function. More officer support was secured for the Chairman. This has enabled support across three day each week. Further funding was also secured for transport giving more flexibility. New custody arrangements for Civic Regalia are being followed and are proving robust.

37. New long service awards have been designed in conjunction with the original designer of the civic regalia and are in use. These comprise Gold, Silver and Bronze service badges. Examples will be available at the meeting if members would like to see them.

Issues from Audit reports

38. Internal Audit had previously raised the issue of how the Charity banking was being handled insofar as each Chairman maintains a separate charity bank account into which all donations are deposited. This process was 'outside' the Council's financial monitoring system. Agreement has been reached with Accountancy that the account would be maintained but that regular reconciliation of the account would be undertaken by Finance. Audit had no other concern about the Charity banking process that has clear measures to ensure other normal checks are made during the process.